

**FIFTY-SECOND DAY**

(Continued)

(Thursday, April 18, 1935)

The House met at 9:30 o'clock a. m., and was called to order by Speaker Stevenson.

**BILL SIGNED BY THE SPEAKER**

The Speaker signed, in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled bill:

H. B. No. 685, "An Act providing for the extension of the 'Rio Grande Compact,' and declaring an emergency."

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 361**

Mr. Roach of Angelina moved to reconsider the vote by which the House adopted the conference committee report on Senate Bill No. 361, and moved that same be referred to the conference committee for further consideration.

The motion prevailed.

**SENATE BILL NO. 498 ON FINAL PASSAGE**

Mr. Thornton moved to reconsider the vote by which Senate Bill No. 498 was passed.

The motion to reconsider prevailed.

Mr. Farmer offered the following amendment to the bill:

Amend Senate Bill No. 498 by striking out the word "any" in lines 10 and 14, page 1.

The amendment was adopted.

Mr. Thornton offered the following amendment to the bill:

Amend Senate Bill No. 498 by striking out the words "not his own" in line 11, page 1.

The amendment was adopted.

Senate Bill No. 498 was then passed by the following vote:

Yeas—108

Adamson	Bradford
Adkins	Broyles
Aikin	Burton
Alexander	Butler of Karnes
Alsup	Cagle
Bourne	Caldwell
Bradbury	Calvert

Canon	Lanning
Celaya	Leath
Collins	Mauritz
Colquitt	McCalla
Colson	McConnell
Cooper	McFarland
Cowley	McKee
Craddock	McKinney
Crossley	Moffett
Davis	Moore
Davison of Fisher	Morris
England	Morrison
Fain	Morse
Farmer	Newton
Fitzwater	Nicholson
Ford	Olsen
Fox	Padgett
Frazer	Palmer
Fuchs	Patterson
Gibson	Payne
Glass	Petsch
Graves	Quinn
Gray	Reader
Greathouse	Reed of Bowie
Hankamer	Reed of Dallas
Hanna	Roach of Hunt
Hardin	Roane
Harris of Archer	Roark
Harris of Dallas	Roberts
Hartzog	Rogers
Herzik	Rutta
Hodges	Settle
Holland	Shofner
Howard	Smith
Huddleston	Spears
Hunter	Steward
Jackson	Stovall
James	Tarwater
Jefferson	Thornton
Jones of Falls	Waggoner
Jones of Runnels	Walker
Jones of Shelby	Wells
Jones of Wise	Westfall
Keefe	Wood of Harrison
King	Wood of Montague
Knetsch	Worley
Lange	Youngblood

**Absent**

Ash	Head
Atchison	Hill
Beck	Hofheinz
Bergman	Hoskins
Butler of Brazos	Hunt
Clayton	Hyder
Daniel	Jones of Atascosa
Davisson	Latham
of Eastland	Lemens
Dickison	Leonard
Dunagan	Lindsey
Dunlap of Hays	Lotief
Dunlap of Kleberg	Lucas
Duvall	Luker
Dwyer	Pope
Fisher	Riddle
Good	Roach of Angelina

Russell	Tennyson
Scarborough	Tillery
Stanfield	Venable
Stinson	Young

## NOTICE GIVEN

Mr. Quinn gave notice that he would, on the next legislative day, move to take up, for consideration at that time, House Bill No. 468, which bill was heretofore laid on the table subject to call.

## HOUSE BILL NO. 89 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as pending business, on its passage to engrossment,

H. B. No. 89, A bill to be entitled "An Act amending Subsections (2) and (4) of Section 1; repealing Subsection (3) of Section 2; amending Subsection (2) of Section 2; amending Section 3; amending Section 5; and amending Sections 8 and 9, of House Bill No. 154, Chapter 162, Acts of the Regular Session of the Forty-third Legislature, as amended by Chapter 12, House Bill No. 55, Acts of the First Called Session of the Forty-third Legislature, and declaring an emergency";

The bill having heretofore been read second time, with committee amendment by Mr. Wells, pending.

Mr. Aikin offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 89, page 9, line 38, by adding the following: "No salary to exceed those set out in the Departmental Appropriation Bill, for places of the same type of service."

AIKIN,  
ALSUP.

The amendment was adopted.

Mr. Keefe offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 89 by changing the figure and words "one (1%)" wherever they appear in the bill to read "one-half of one per cent ( $\frac{1}{2}$  of 1%)".

Mr. Wells moved to table the amendment by Mr. Keefe.

The motion to table was lost.

Question recurring on the amendment by Mr. Keefe, it was adopted.

Mr. Daniel offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 89, Section 1, Subsection 12, by adding at the end thereof the following: "This section shall not affect any pending lawsuit in the State of Texas, or any lease agreement or contract now in effect between the State of Texas and any oil producer."

The amendment was adopted.

Mr. Lemens offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 89, Section 6, page 9, by striking out the words, "be, and is hereby appropriated for said purpose," in lines 32 and 33, and inserting in lieu thereof the following: "shall be expended in the amounts and for the purposes fixed by the Legislature in the General Appropriations Bill."

LEMENS,  
ATCHISON,  
LEONARD.

The amendment was adopted.

Mr. Daniel offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 89 by adding thereto a new section, to be known as Section 13-a, to read as follows:

"Sec. 13-a. (1) There is hereby levied an occupation tax on oil produced within this State of six cents per barrel of forty-two standard gallons. Provided, however, that the occupation tax herein levied on oil shall be six per cent of the market value of said oil whenever the market value thereof is in excess of one dollar (\$1) per barrel of forty-two standard gallons.

"(2) Provided, however, on all oil produced within this State from wells having an average daily production of less than twenty-five and more than ten barrels there is hereby levied an occupation tax of four cents per barrel of forty-two standard gallons. Provided, however, that the occupation tax herein levied on oil shall be four per cent of the market value of said oil whenever the market value thereof is in excess of one dollar (\$1) per barrel of forty-two standard gallons. Provided, further, that the tax levied in this paragraph shall be in lieu of and not in addition to the tax

levied in Section 2, paragraph 1 hereof.

"(3) Provided further, on all oil produced within this State from wells having an average daily production of less than ten barrels, there is hereby levied an occupation tax of two cents per barrel of forty-two standard gallons; provided, however, that the occupation tax herein levied on oil shall be two per cent of the market value of said oil whenever the market value hereof is in excess of one dollar (\$1) per barrel of forty-two standard gallons. Provided further, that the tax levied in this paragraph shall be in lieu of and not in addition to the tax levied in Section 2, paragraphs 1 and 2 hereof.

"The tax above levied shall be in lieu of and not in addition to any other tax now levied on oil."

DANIEL,  
CALVERT.

Mr. Quinn raised a point of order on further consideration of the amendment by Mr. Daniel, on the ground that the amendment is not germane to the bill.

The Speaker sustained the point of order.

Mr. Daniel moved that Section 7 of Rule XX of the House Rules, which rule relates to the germaneness of amendments, be suspended at this time, for the purpose of offering the above amendment.

The motion was lost by the following vote:

Yeas—51

Adamson	Herzik
Adkins	Hunt
Alsup	Jones of Shelby
Atchison	Jones of Wise
Beck	Keefe
Bourne	Lemens
Bradbury	Lucas
Broyles	McCalla
Burton	McKinney
Calvert	Moore
Cowley	Morris
Craddock	Morrison
Daniel	Patterson
Davison of Fisher	Payne
Dickison	Petsch
England	Reed of Bowie
Fain	Roach of Angelina
Farmer	Roach of Hunt
Fitzwater	Rutta
Fox	Scarborough
Glass	Spears
Greathouse	Stanfield
Hardin	Thornton

Tillery	Wood of Montague
Waggoner	Youngblood
Westfall	

Nays—76

Aikin	Hyder
Alexander	Jackson
Bergman	James
Bradford	Jones of Atascosa
Butler of Karnes	Jones of Runnels
Cagle	King
Caldwell	Knetsch
Canon	Lanning
Celaya	Latham
Clayton	Lindsey
Collins	Lotief
Colson	Luker
Cooper	Mauritz
Crossley	McConnell
Davis	McFarland
Davisson	Moffett
of Eastland	Newton
Dunagan	Nicholson
Dunlap of Hays	Padgett
Dunlap of Kleberg	Pope
Duvall	Quinn
Dwyer	Reed of Dallas
Fisher	Roane
Frazer	Roark
Gibson	Roberts
Gray	Rogers
Hankamer	Russell
Hanna	Settle
Harris of Archer	Smith
Harris of Dallas	Steward
Hartzog	Stinson
Head	Tennyson
Hill	Venable
Hodges	Walker
Hofheinz	Wells
Holland	Wood of Harrison
Hoskins	Worley
Howard	Young
Hunter	

Absent

Ash	Leath
Butler of Brazos	Leonard
Colquitt	McKee
Ford	Morse
Fuchs	Olsen
Good	Palmer
Graves	Reader
Huddleston	Riddle
Jefferson	Shofner
Jones of Falls	Stovall
Lange	Tarwater

The committee amendment as amended was then adopted.

Mr. Wells offered the following committee amendment to the bill:

Amend House Bill No. 89 by striking out all above the enacting clause and inserting in lieu thereof the following:

"An Act to amend Sections 1, 6, and 8 of House Bill No. 154, Chapter 162, Acts of Regular Session, Forty-third Legislature, 1933, and Sections 3, 5 and 9 of House Bill No. 154, Chapter 162, Acts of the Regular Session, Forty-third Legislature, as amended by House Bill No. 55, Chapter 12, First Called Session of the Forty-third Legislature, defining certain terms; making producer of oil primarily liable for tax; providing that purchaser of oil shall collect and pay tax on oil; providing that no tax shall be collected or paid on money interest or royalty interest of the State of Texas, United States, any political subdivision thereof or the University of Texas; providing for crediting taxpayer with taxes erroneously paid; defining persons liable for tax and manner of payment; providing for the keeping of certain records and making certain reports by producers and purchasers; providing for keeping of certain records by royalty owners; providing that common carriers keep certain records; providing that all records required by this Act to be kept shall be open to inspection of Comptroller and Attorney General; providing this Act shall not impair certain contracts; providing that tax be borne ratably by interested holders; providing time for payment of tax and penalties and interest for failure to pay when due; providing for preferred lien to secure payment of taxes; providing for sale of discovered oil upon which tax has not been paid; providing penalties for making false entries in records and reports, and for failure to make proper entries therein; providing penalties for failure to make reports and for destroying, mutilating or secreting records and for failing or refusing to permit inspection by Comptroller and Attorney General or duly authorized representative of either, of records and reports; providing that Comptroller shall make certain rules and regulations; providing an appropriation of one per cent of tax for administrative expenses; providing appointment of additional supervisors by Comptroller; providing that if any clause, section, or provision be held invalid, other sections and parts of Act be not affected, and declaring an emergency."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and to the body of the bill.

House Bill No. 89 was then passed to engrossment.

### HOUSE BILL NO. 89 ON THIRD READING

Mr. Wells moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 89 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—128

Adamson	Hartzog
Adkins	Head
Aikin	Herzik
Alexander	Hill
Alsup	Hodges
Atchison	Hofheinz
Beck	Holland
Bourne	Hoskins
Bradbury	Howard
Bradford	Huddleston
Broyles	Hunt
Burton	Hunter
Butler of Karnes	Hyder
Cagle	Jackson
Caldwell	James
Calvert	Jefferson
Canon	Jones of Atascosa
Celaya	Jones of Falls
Collins	Jones of Runnels
Colson	Jones of Shelby
Cooper	Jones of Wise
Cowley	Keefe
Craddock	King
Daniel	Knetsch
Davis	Latham
Davison of Fisher	Lanning
Davisson	Lemens
of Eastland	Lindsey
Dickison	Lotief
Dunagan	Lucas
Dunlap of Hays	Luker
Dunlap of Kleberg	Mauritz
Duvall	McCalla
England	McConnell
Fain	McFarland
Farmer	McKinney
Fisher	Moffett
Fitzwater	Moore
Fox	Morris
Frazer	Morrison
Fuchs	Newton
Gibson	Nicholson
Glass	Olsen
Gray	Padgett
Greathouse	Patterson
Hankamer	Payne
Hanna	Petsch
Hardin	Pope
Harris of Archer	Quinn
Harris of Dallas	Reed of Bowie

Reed of Dallas	Stinson
Roach of Angelina	Stovall
Roach of Hunt	Tennyson
Roane	Thornton
Roark	Tillery
Roberts	Venable
Rogers	Waggoner
Russell	Walker
Rutta	Wells
Scarborough	Westfall
Settle	Wood of Harrison
Shofner	Wood of Montague
Smith	Worley
Spears	Young
Stanfield	Youngblood
Steward	

## Absent

Ash	Lange
Bergman	Leath
Butler of Brazos	Leonard
Clayton	McKee
Colquitt	Morse
Crossley	Palmer
Dwyer	Reader
Ford	Riddle
Good	Tarwater
Graves	

The Speaker then laid House Bill No. 89 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—134

Adamson	Davisson
Adkins	of Eastland
Aikin	Dickison
Alexander	Dunagan
Alsup	Dunlap of Hays
Atchison	Dunlap of Kleberg
Beck	Duvall
Bergman	England
Bradbury	Fain
Bradford	Farmer
Broyles	Fisher
Burton	Fitzwater
Butler of Brazos	Fox
Butler of Karnes	Frazer
Cagle	Fuchs
Caldwell	Gibson
Calvert	Glass
Canon	Gray
Celaya	Greathouse
Clayton	Hankamer
Collins	Hanna
Colquitt	Hardin
Colson	Harris of Archer
Cooper	Harris of Dallas
Cowley	Hartzog
Craddock	Head
Crossley	Herzik
Daniel	Hill
Davis	Hodges
Davison of Fisher	Hofheinz

Holland	Palmer
Hoskins	Patterson
Howard	Payne
Huddleston	Petsch
Hunt	Pope
Hunter	Quinn
Hyder	Reed of Bowie
Jackson	Reed of Dallas
James	Roach of Angelina
Jefferson	Roach of Hunt
Jones of Atascosa	Roane
Jones of Runnels	Roark
Jones of Shelby	Roberts
Jones of Wise	Rogers
Keefe	Russell
King	Rutta
Knetsch	Settle
Lange	Shofner
Lanning	Smith
Latham	Spears
Lemens	Stanfield
Lindsey	Steward
Lotief	Stinson
Lucas	Stovall
Luker	Tennyson
Mauritz	Thornton
McCalla	Tillery
McConnell	Venable
McFarland	Waggoner
McKinney	Walker
Moffett	Wells
Moore	Westfall
Morris	Wood of Harrison
Morrison	Wood of Montague
Newton	Worley
Nicholson	Young
Olsen	Youngblood
Padgett	

## Nays—1

Scarborough

## Absent

Ash	Leath
Bourne	Leonard
Dwyer	McKee
Ford	Morse
Good	Reader
Graves	Riddle
Jones of Falls	Tarwater

## MESSAGE FROM THE GOVERNOR.

Mr. Edward Clark, secretary to the Governor, appeared at the bar of the House, and, being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Executive Office,

Austin, Texas, April 18, 1935.

To the Members of the Forty-fourth Legislature:

The Public Works Administration has requested legislation expressly conferring the power of eminent do-

main on all State and Federal agencies and upon all corporations to acquire lands necessary for public works projects engaged in for public uses.

I submit for your consideration the question of enactment of such legislation. A bill has been prepared upon the subject and will be introduced in the House of Representatives by Hon. Herman Jones; I will introduce the bill in the Senate.

I request your early consideration of the subject matter of said bill.

Respectfully submitted,  
KEN M. REGAN,  
Acting Governor of Texas.

#### MESSAGE FROM THE SENATE

Senate Chamber,  
Austin, Texas, April 18, 1935.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 589, A bill to be entitled "An Act to validate the purchase, pursuant to legislative enactment, of the property of any debtor or debtors at any sale under and proceedings in bankruptcy, receivership, or in any other judicial proceeding whatever, heretofore made by any county in this State whose population did not exceed 15,000, according to the last United States Census, and which had a claim or claims for money against any such person, partnership, corporation, joint stock, or other association, amounting to at least fifty per cent of all the claims against such debtor and where the commissioners court of any such county has deemed it necessary or advisable to so purchase said property to protect the interests of such county; etc., and declaring an emergency."

H. B. No. 697, A bill to be entitled "An Act authorizing B. H. Willis of Jefferson County, Texas, to institute and maintain a suit against the State of Texas, in the District Court of Liberty County, Texas, and in said suit to recover the value of lands owned by him and appropriated by the State of Texas as a right of way for State Highway No. 3, commonly known as 'The Old Spanish Trail'; etc., and declaring an emergency."

H. B. No. 304, A bill to be entitled "An Act relating to marks and brands of live stock in Fort Bend County only, requiring that each owner of any live stock mentioned in Chapter 1 of Title 121 of the Revised Civil Statutes of 1925, shall, within six months after this Act takes effect, have his mark and brand for such stock recorded at the office of the county clerk of said county; etc., and declaring an emergency."

H. B. No. 831, A bill to be entitled "An Act authorizing the separation or divorcement of public schools from municipal control in certain municipal school districts pursuant to an election to be held for that purpose; defining the term 'municipal school district' and the term 'governing body' of the city or town; prescribing the method of procedure precedent to calling such election; etc., and declaring an emergency."

The Senate has adopted

H. C. R. No. 51, Granting H. B. McElmurray and Mrs. H. B. McElmurray permission to sue the State of Texas.

H. C. R. No. 77, Authorizing transfers of appropriations made for the Live Stock Sanitary Commission.

H. C. R. No. 79, Granting Dr. C. R. Miller permission to bring suit against the State of Texas State Highway Department.

Respectfully,  
BOB BARKER,  
Secretary of the Senate.

#### BILL ORDERED NOT PRINTED

On motion of Mr. Clayton, Senate Bill No. 141 was ordered not printed.

#### CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 361

Mr. Glass submitted the following new conference committee report on Senate Bill No. 361:

Committee Room,  
Austin, Texas, April 18, 1935.  
Hon. Walter F. Woodul, President of the Senate, and Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your conference committee, appointed to adjust the differences between the House and the Senate

on Senate Bill No. 361, recommend that said bill be adopted in form and text as submitted herewith.

"S. B. No. 361,

A BILL

To Be Entitled

An Act creating 'Sabine-Neches Conservation District,' a conservation and reclamation district with the powers provided in Section 59 of Article XVI of the Constitution, to conserve, control and utilize the waters of the Sabine and Neches Rivers and their tributaries, including their storm and flood waters, except said district shall have no power of taxation nor right to create any debt payable out of taxation; authorizing one or more districts created under Section 59 of Article XVI of the Constitution to co-ordinate their plans and to join plans for improvements; defining the boundaries thereof, providing for control through board of directors, their appointment, qualifications and tenure, their organization and powers; authorizing the board of directors to appoint a board of managing directors; authorizing the storing, controlling, conservation and distribution of storm and flood waters of the Sabine and Neches Rivers and their tributaries, within and/or without such district for irrigation, domestic, industrial and municipal uses, and also for hydroelectric power, with authority to make contracts with water users and to establish and collect maintenance and operation charges for water service, also authorizing all contracts, leases and agreements necessary or convenient with any person, corporation or government, including the United States Government and State of Texas, or their agencies; authorizing conveyance of the district's properties, improvements and facilities to the United States, or any agency thereof, and a lease thereof with the United States, or any agency thereof, with the rentals payable out of the revenues of such district; subordinating such district to the control of the State Board of Water Engineers, or other State agency; providing for acquiring, constructing, maintaining and operating of all necessary properties, lands, rights, tenements, easements, improvements, reservoirs, dams, canals, laterals, plants, works and

facilities necessary or proper within or without said district, including the right of eminent domain, and authorizing such district to borrow money from the Federal Emergency Administration of Public Works, or other United States agency, and from other persons, and secure payment thereof by first and/or second mortgage and encumbrance on all of the district's properties, improvements and facilities, and/or the revenues and income to be derived therefrom; to provide work for the relief of unemployed people of Texas; providing for the issuance of interest-bearing obligations therefor; requiring submission by said district, preliminary to issuing any obligations under said Act, of a certified copy of such obligations under said Act, and of the proceedings authorizing the issuance of such obligations to the Attorney General of Texas for approval, and requiring such obligations, when so approved, to be registered by the Comptroller of the State of Texas; prescribing their terms, conditions of issuance and prohibiting their payment out of any taxation or involuntary assessment; authorizing the grant to the purchaser of such properties under foreclosure sale of a franchise and permit to operate such improvements and facilities; authorizing the refunding of any obligations issued hereunder; authorizing the holder of any such obligation to enforce by legal proceedings performance of duties required by this Act to be performed by such board of directors of said district, and in the event of any default on any such obligations, to have an administrator or receiver appointed to administer and operate such properties in order to obtain payment of such obligations; preserving the water rights of existing water users; prescribing all necessary details; providing nothing in this section contained shall conflict with the requirements of any Federal agency providing any funds for such district; making an appropriation of five thousand dollars (\$5,000) out of the General Fund of this State, or so much thereof as is necessary, to pay expenses incurred by said district, acting by and through its board of managing directors; providing if any provisions of this Act shall be invalid, the validity of the other provisions

thereof shall not be affected; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That there shall be and is hereby created a conservation and reclamation district by the name of "Sabine-Neches Conservation District," which district is created as a governmental agency, body politic and corporate, vested with all the authority as such under the Constitution and laws of the State; and which shall have and be recognized to exercise all of the powers of such governmental agency and body politic and corporate as are expressly authorized in the provisions of the Constitution, Section 59 of Article XVI, for districts created to conserve, store, control, preserve, utilize and distribute the storm and flood waters and the waters of the rivers and streams of the State, and such powers as may be contemplated and implied by the purposes of this provision of the Constitution, and as may be conferred by General Law, as well as by the provisions of this Act, except nothing herein contained shall authorize said district to levy any taxes or special assessments, or to create any debt payable out of taxation; and said district shall have and be recognized to exercise all the rights and powers of an independent governmental agency, body politic and corporate, to construct, maintain and operate, in the valleys of the Sabine and Neches Rivers and their tributaries, within or without the boundaries of such district, any and all works deemed essential to the operation of the district and for its administration in the control, storing, preservation and distribution to all useful purposes of the waters of the Sabine and Neches Rivers and their tributary streams, including the storm and flood waters thereof; and such district shall have and be recognized to exercise such authority and power of control and regulation over such waters of the Sabine and Neches Rivers and their tributaries as may be exercised by the State of Texas, subject to the provisions of the Constitution and the Acts of the Legislature.

Sec. 2. Any drainage, conservation, reclamation or other district heretofore created by the State of Texas with powers provided in Section 59 of Article XVI of the Constitution, shall have the authority, power and right to co-ordinate its plans with

the district herein created and shall have full authority, power and right to enter into joint undertakings for the purposes for which the districts are created. Provided, however, that all such acts must be approved by a majority of the boards of directors of all districts involved.

Sec. 3. The territory which shall be embraced within the boundaries of said "Sabine-Neches Conservation District" shall be that part of the State of Texas defined as follows: Smith, Wood, Van Zandt, Camp, Upshur, Anderson, Henderson, Kaufman, Angelina, Nacogdoches, Cherokee, San Augustine, Sabine, Jasper, Newton, Gregg, Harrison, Panola, Rusk, Shelby, Hunt, Rains, Houston, Trinity, Polk, Orange, Bowie, Cass, Hopkins, Collin, Rockwall, and Marion Counties.

Sec. 4. The management and control of all the affairs of such district shall be vested in the board of directors, consisting of thirty-two members, one member being chosen from each county, or portion of county, lying within the "Sabine-Neches Conservation District," as created by this Act, all of whom shall be freehold property taxpayers and legal voters of such district. Such board of directors shall be appointed by the Governor of Texas as soon as practicable after the passage of this Act, one-third of the members to be appointed for a term of two (2) years, one-third of the members thereof to be appointed for a term of four (4) years and the remaining members thereof to be appointed for a term of six (6) years, and upon the expiration of the respective terms of said directors, the successors of each and all of them shall be appointed thereafter for a term of six (6) years. The directors shall hold office after their appointment and qualification until their successors shall be appointed and qualified. Should any vacancy occur in the board of directors, the same shall be filled in like manner by the Governor of Texas for the unexpired term. The directors appointed shall, within fifteen (15) days after their appointment, qualify by taking the official oath and filing a good and sufficient bond with the Secretary of State; the official bond of each director to be in the sum of one thousand dollars (\$1,000), shall be payable to the district, shall be conditioned upon

the faithful performance of their duties as such directors, and shall be subject to approval by the Secretary of State. The board of directors shall elect annually, for the term of one year, five members thereof, who shall be known as the "Board of Managing Directors," and when so elected they shall continue to perform the duties of directors, and shall receive no compensation other than as provided for directors herein.

Sec. 5. The directors of the district shall organize by electing one of their members president, one vice-president and one secretary. Seventeen directors shall constitute a quorum at any meeting and concurrence of a majority of those present shall be sufficient in all matters pertaining to the business of the district, except the letting of construction contracts and the authorization of issuance of warrants paying therefor, which shall require the concurrence of twenty-two directors. Warrants for the payment of money may be drawn and signed by two officers or employes designated by standing order entered on the minutes of the directors when such accounts have been contracted and ordered paid by the board of directors.

Sec. 6. The directors of the district shall require all officers and employes who shall be charged with the collection or paying or handling of any funds of the district under their orders, to furnish good and sufficient bonds, with a duly authorized surety company as surety thereon, payable to the district, conditioned upon the faithful performance of their duties and accounting for all funds and property of the district coming into their hands, which bonds shall be in sufficient sums to safeguard the district.

Sec. 7. The president shall preside at all meetings of the board and shall be the chief executive officer of the district. The vice-president shall act as president in the case of the absence or disability of the president. The secretary shall act as a secretary of the board of directors and shall be charged with the duty of seeing that all records and books of the district are properly kept. In case of the absence or inability of the secretary to act, a secretary pro tem. shall be selected by the directors. The directors shall hold regular meetings at the office of the dis-

trict on the first Monday in February, May, August and November of each year at 10 o'clock a. m., and may hold other meetings at such other times as the business of the district may require.

Sec. 8. The directors shall receive as fees of office the sum of not to exceed ten dollars (\$10) per day for each day of service necessary to discharge their duties, provided such service is authorized by vote of the board of directors. They shall file with the secretary a verified statement showing the actual number of days of service each month on the last day of the month, or as soon thereafter as possible and before a warrant shall be issued therefor.

Sec. 9. The directors shall keep a true and full account of all their meetings and proceedings and preserve their minutes, contracts, records, notices, accounts, receipts and records of all kinds in a fireproof vault or safe. The same shall be the property of the district and subject to public inspection. A regular office shall be established and maintained for conduct of the district business within the district.

Sec. 10. A complete book of accounts shall be kept. The account books and records of the district and of the depository of the district shall be audited by a certified public accountant annually as soon as practicable after the expiration of each year, such audit to cover the preceding calendar year, and report thereon shall be submitted to the first regular meeting of the board of directors thereafter. Said report shall be in quadruplicate, one copy being filed in the office of the district, one with the depository of the district, one in the office of the auditor and one with the State Board of Water Engineers, all of which shall be open to public inspection.

Sec. 11. The directors may employ a managing director for the district and may give him full authority in the management and operation of the district affairs (subject only to the orders of the board of directors). Compensation to be paid such managing director and all employes shall be fixed by the board of directors and all employes may be removed by the board.

Sec. 12. All bonds required to be given by directors, officers and employes of the district shall be exe-

cuted by a surety company authorized to do business in the State, as surety thereon; and the district shall be authorized to pay the premiums on such bonds.

Sec. 13. No director of any such district, engineer or employe thereof shall be directly, or indirectly, interested either for themselves or as agents for anyone else in any contract for the purchase or construction of any work by said district, and if any such person shall, directly or indirectly, become interested in any such contract, he shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine in any sum not to exceed one thousand dollars (\$1,000), or by confinement in the county jail not less than six months nor more than one year, or by both fine and imprisonment.

Sec. 14. The said district shall have and be recognized to exercise, in addition to all the hereinbefore mentioned powers, for the conservation and beneficial utilization of said waters, the power of control and employment of such waters of the Sabine and Neches Rivers and their tributaries, including the storm and flood waters thereof, in the manner and for the particular purposes hereinafter set forth:

(a) To provide through practical and legal means for the control and co-ordination of the regulation of the waters of the Sabine and Neches Rivers and their tributary streams.

(b) To provide by adequate organization and administration for the preservation of the equitable rights of the people of the different sections of the watershed area in the beneficial use of the waters of the Sabine and Neches Rivers and their tributary streams.

(c) For storing, controlling and conserving the waters of the Sabine and Neches Rivers and their tributaries within and or without such district, and the prevention of the escape of any of such waters without the maximum of public service; for the prevention of devastation of lands from recurrent overflows, and the protection of life and property in such district from uncontrolled flood waters.

(d) For the conservation of the waters of the Sabine and Neches Rivers and their tributaries essential for the domestic uses of the people of the district, including all necessary water supplies for cities and towns.

(e) For the irrigation of all lands in said district and/or lands without said district, but within said watershed area where irrigation is required for agricultural purposes, or may be deemed helpful to more profitable agricultural production; and for the equitable distribution of said waters to the regional potential requirements for all uses, domestic, manufacturing and irrigation. All plans and all works provided by said district, and as well, all works which may be provided under authority of said district, shall have primary regard to the necessary and potential needs for water, by or within the area in such district constituting the watershed of the Sabine and Neches Rivers and their tributary streams.

(f) For the better encouragement and development of drainage systems and provisions for drainage of lands in the valleys of the Sabine and Neches Rivers and their tributary streams needing drainage for profitable agricultural production; and drainage for other lands in the watershed area of the district requiring drainage for the most advantageous use.

(g) For the purpose of encouraging the conservation of all soils against destructive erosion and thereby preventing the increased flood menace incident thereto.

(h) To control and make available for employment said waters in the development of commercial and industrial enterprises in all sections of the watershed area of the district.

(i) For the control, storing and employment of said waters in the development and distribution of hydroelectric power, where such use may be economically co-ordinated with other and superior uses, and subordinated to the uses declared by law to be superior.

(j) And for each and every purpose for which flood and storm waters when controlled and conserved may be utilized in the performance of a useful service as contemplated and authorized by the provisions of the Constitution and the public policy therein declared.

(k) To purchase and/or construct all works necessary or convenient for the exercise of the powers and to accomplish the purposes specified in this Act and to purchase or otherwise acquire all lands and/or other property necessary or convenient for carrying out any such purposes.

(l) The right of eminent domain is expressly conferred upon such district to enable it to acquire the fee simple title to, and/or easement or right of way over and through, any and all lands, water or lands under water, private or public, within and without such district, necessary or convenient to carry out any of the purposes and powers conferred upon such district by this Act. All such condemnation proceedings shall be under the direction of the directors and in the name of the district, and the assessment of damages and all procedure with reference to condemnation, appeal and payment shall be in conformity with the statutes of this State as provided in the title of the Revised Statutes relating to "Eminent Domain."

(m) The board of directors of said district shall prescribe fees and charges to be collected for the use of water, water connections or other service, which fees and charges shall be reasonable and equitable and fully sufficient to produce revenues adequate to pay, and said board of directors shall cause to be paid therefrom:

(1) All expenses necessary to the operation and maintenance of the improvements and facilities of said district. Such operating and maintenance expenses shall include the cost of the acquisition of properties and materials necessary to maintain said improvements and facilities in good condition and to operate them efficiently, necessary wages and salaries of the district, and such other expenses as may be reasonably necessary to the efficient operation of said improvements and facilities.

(2) The annual or semiannual interest upon any obligation issued hereunder payable out of the revenues of said improvements and facilities.

(3) The amount required to be paid annually into the sinking fund for the payment of any obligations issued hereunder payable out of the revenues of said improvements and facilities.

No other charge shall be made upon the revenues derived from said improvements and facilities so long as any obligations issued hereunder shall remain outstanding and unpaid as to principal or interest; provided, however, that out of revenues which may be received in excess of those required for the purposes listed in the above subparagraphs (1), (2),

and (3), the board of directors may pay the cost of improvements and replacements not covered by said subparagraph (1), and may establish a reasonable depreciation and emergency fund.

It is the intent of this Act that the fees and charges of such district shall not be in excess of what may be reasonably necessary to fulfill the obligations imposed upon said district by this Act.

(n) Such district through its board of directors, shall have the right to employ managers, engineers, attorneys, and all necessary employes to properly construct, operate and maintain said works and carry out the provisions of this Act and to pay reasonable compensation fixed by the board of directors for such services.

(o) Such district, in addition to the powers hereinabove set out, shall have general power and authority to make and to enter into all contracts, leases, and agreements necessary or convenient to carry out any of the powers granted in this Act, which contracts, leases, and agreements may be entered into with any person, real or artificial, any corporation, municipal, public or private, and/or any government or governmental agency, including the United States Government and the State of Texas, and may convey or cause to be conveyed any of its properties, rights, lands, tenements, easements, improvements, reservoirs, dams, canals, plants, laterals, works and facilities to the United States Government or any agency thereof, and may enter into a lease with the United States Government, or any agency thereof relative thereto, and obligate itself to pay rental therefor out of the income and revenues thereof, with or without the privilege of purchase, provided, however, that nothing herein contained shall authorize the assumption by such district of any obligation requiring payment out of taxes. Any and all such contracts, leases and agreements herein authorized shall be approved by resolution of the board of directors of such district, and shall be executed by the president and attested by the secretary thereof.

(p) Such district shall have the right to sue and to be sued.

(q) Before such district shall establish a diversion point, construct the canals, pumping plants and other works herein provided for, it shall present to the Board of Water Engi-

neers of the State of Texas, or such other agency performing the functions now performed by the Board of Water Engineers, plans and specifications of the same and obtain approval of such board.

Sec. 15. The powers and duties herein devolved upon the said district shall be subject to the continuing rights of supervision by the State which shall be exercised through the State Board of Water Engineers, and in appropriate instances, by the State Reclamation Engineer, each of which agencies shall be charged with the authority and duty to approve, or to refuse to approve, the adequacy of any plan or plans for flood control or conservation improvement purposes devised by the district for the achievement of the plans and purposes intended in the creation of the district, and which plans contemplate improvements supervised by the respective State authorities under the provisions of the General Law.

Sec. 16. Said district shall have and may exercise such functions, powers, authority, rights and duties as may permit the accomplishment of the purposes for which it is created, including investigating and planning, acquiring, constructing, maintaining and operating of all necessary properties, lands, rights, tenements, easements, improvements, reservoirs, dams, canals, laterals, plants, works and facilities which it may deem necessary or proper for the accomplishment of said purposes, including the acquisition within and/or without said district of lands, rights of way, water rights and all other properties, tenements, easements and all other rights incident, helpful to or in aid of carrying out the purposes of said district as herein defined; and this Act in all of its terms and provisions shall be liberally construed to effectuate each and all of the purposes thereof.

Sec. 17. Said district may receive grants and borrow money from the Federal Emergency Administration of Public Works of the United States, or from any other department or agency of the United States, or from any other source, and in evidence thereof may issue the notes, warrants, certificates of indebtedness or other form of obligations of such district, payable solely out of the revenues to be derived from said improvements and facilities and the operations and devices thereof.

Sec. 18. Each issue of obligations authorized hereunder shall constitute a separate series and shall be appropriately designated. Such obligations shall not constitute an indebtedness or pledge of the credit of such district, shall never be paid in whole or in part out of any funds raised or to be raised by taxation, and shall contain a recital to that effect. All obligations issued hereunder shall be in registered or coupon form and if in coupon form may be registerable as to principal only, or as to both principal and interest, shall bear interest at a rate not to exceed six per cent per annum, payable annually or semi-annually, and shall be in such denominations and shall mature serially or at one time not more than fifty years from their date in such manner as may be provided by the board of directors. Principal of and interest on such obligations shall be made payable at any place or places within or without the State of Texas and in the discretion of the board of directors; such obligations may be made redeemable at the option of said board prior to maturity at such premium or premiums as the board shall determine. Such obligations shall be signed by the president and secretary of the board of directors, and the interest coupons attached thereto may be executed with the facsimile signatures of such officers. Such obligations shall be sold in such manner and at such time as the board of directors shall determine to be expedient and necessary to the interest of the district, provided, that in no event shall such obligations be sold for a price which will result in an interest yield therefrom of more than six per cent computed to maturity according to standard bond tables in general use by banks and insurance companies. In the event any of the officers whose signatures are on such obligations or coupons shall cease to be such officers before the delivery of such obligations to the purchaser, such signature or signatures, nevertheless, shall be valid and sufficient for all purposes. All obligations issued hereunder shall constitute negotiable instruments within the meaning of the Negotiable Instrument Law.

Sec. 19. Any obligations issued hereunder may be issued payable from and secured by the pledge of all the revenues derived from the operation of the improvements and facilities of

the district, exclusive of any revenues derived from taxation of assessments, or may be payable from and secured by the pledge of only such revenues as may be derived from the operation of the improvements and facilities acquired with the proceeds of the sale of such obligations, or may be payable from and secured by the pledge of a specific part of the revenues derived from the operation of the improvements and facilities of the district, all as may be provided in the proceedings authorizing the issuance of such obligations. If more than one series of obligations shall be issued under the provisions of this Act payable from and secured by identical revenues, priority of lien against such revenues shall depend on the time of delivery of such obligations, each series enjoying a lien against such revenues prior and superior to that enjoyed by any other series of obligations subsequently delivered, provided, however, that as to any issue or series of obligations which may be authorized as a unit but delivered from time to time in blocks, the board of directors may, in proceedings authorizing the issuance of such obligations, provide that all of the obligations of such series or issue shall be co-equal as to lien, regardless of the time of delivery.

Sec. 20. Any resolution or order authorizing the issuance of obligations under the provisions hereof shall provide for the creation of a sinking fund into which shall be paid from the revenues pledged to the payment of such obligations from month to month as said revenues are collected, sums fully sufficient to pay principal of and interest on such obligations. The money in such sinking fund shall be applied solely to the payment of interest on the obligations for the payment of which such fund is created and for the retirement of said obligations at or prior to maturity in the manner herein provided. The board of directors may, at the time obligations are authorized hereunder, provide that all money in such sinking fund in excess of the amount required for the payment of interest on and principal of such outstanding obligations for such period as it may determine shall be expended once each year pursuant to this order in the purchase of obligations for the account of which such sinking fund has been accumulated, if any such obligations can be purchased

at a price which shall seem reasonable to the board, and may provide that in the event such obligations contain an option permitting retirement prior to maturity then such excess sums shall be paid out as aforesaid for the purchase of such obligations, but that if the board shall be unable to so purchase sufficient obligations of said issue to absorb all such surplus it shall call for redemption of a sufficient amount of such obligations to absorb, so far as practicable, the entire surplus remaining in said sinking fund. It may be provided that any excess in the sinking fund which can not be applied to the purchase or redemption of obligations shall remain in said sinking fund to be used for payment of principal or interest when due, or for the subsequent call of obligations for purchase or redemption in the manner above provided.

Sec. 21. Any resolution or order authorizing the issuance of obligations hereunder may contain such covenants with the holders of the obligations as to the management and operation of said improvements and facilities, collection of fees and charges for the use thereof, disposition of such fees and charges, issuance of future obligations and creation of future liens, mortgages and encumbrances against said improvements and facilities, and the revenues thereof and other pertinent matters, as may be deemed necessary to insure the marketability of said obligations, provided such covenants are not inconsistent with the provisions of this Act.

Sec. 22. Any resolution or order authorizing the issuance of obligations hereunder shall provide that the revenues from which such obligations are to be paid and which are pledged to the payment of such obligations shall from month to month as the same shall accrue and be received, be set apart and placed in the sinking fund and disbursed in the manner hereinabove provided. In fixing and determining the amount of revenues which shall be so set aside, the board of directors shall provide that the amount to be set aside and paid into said fund in any year or years shall be not less than a fixed sum, which sum shall be at least sufficient to provide for the payment of the interest on and principal of all obligations maturing and becoming payable in each such year, together with a sur-

plus or margin of ten per cent in excess thereof.

Sec. 23. Any holder of obligations issued hereunder or of coupons originally attached thereto, may either at law or in equity, by suit, action, mandamus, or other proceeding, enforce and compel performance of all duties required by this Act to be performed by the board of directors, including the making and collecting of reasonable and sufficient fees or charges for the use of the improvements and facilities of the district, the segregation of the income and revenues of such improvements and facilities, and the application of such income and revenues pursuant to the provisions of this Act. If there be any default in the payment of the principal of or interest on any of such obligations, any holder thereof shall be entitled to have an administrator or receiver appointed by any court having jurisdiction to administer and operate the improvements and facilities, the revenues of which are pledged to the payment of such obligations, in behalf of the district and the holders of such obligations, with power to fix and collect fees and charges sufficient to provide for the payment of operation and maintenance expenses as hereinabove defined, and to pay any obligations or interest coupons outstanding payable from the revenues of such improvements and facilities, and to apply the income and revenues thereof in conformity with the provisions of this Act and the proceedings authorizing the issuance of said obligations.

Sec. 24. As additional security for the payment of any obligations issued hereunder, the board of directors may in its discretion have executed in favor of the holders of such obligations an indenture mortgaging and encumbering the improvements, facilities and properties acquired with the proceeds of the sale of such obligations, and/or all of the improvements, facilities and properties of the district, and may provide in such encumbrance for a grant to any purchaser or purchasers at foreclosure sale thereunder of a franchise to operate such improvements, facilities and properties for a term of not over fifty years from the date of such purchase, subject to all laws regulating same then in force. Any such indenture may contain such terms and provisions as the board of directors shall deem proper and shall be enforceable

in the manner provided by the laws of Texas for the enforcement of other mortgages and encumbrances. Under any sale ordered pursuant to the provisions of such mortgage or encumbrance, the purchaser or purchasers at such sale, and his or their successors or assigns, shall be and hereby are vested with a permit and franchise to maintain and operate the improvements, facilities and properties purchased at such sale with like powers and privileges as may theretofore have been enjoyed by the district in the operation of said improvements, facilities and properties. The purchaser or purchasers of such improvements, facilities and properties at any such sale, and his or their successors and assigns, may operate said improvements, facilities and properties as provided in the last above sentence or may at their option remove all or part of said improvements, facilities and properties for diversion to other purposes. Any Statutes of the State of Texas pertaining to the granting of franchises shall not be applicable to the authorization or execution of any mortgage or encumbrance entered into pursuant to the provisions of this Act, nor to the granting of any franchise hereunder.

Sec. 25. The proceeds of the sale of any obligations issued hereunder may be deposited in such bank or banks as may be agreed upon between the purchaser at such sale and the board of directors, and may be deposited and paid out pursuant to such terms and conditions as may be so agreed upon, it being expressly provided that the Statutes of Texas pertaining to the deposit of the district funds in the depository of such district shall not be applicable to the deposit of the proceeds of such sale. Any part of the proceeds of the sale of obligations issued hereunder which may remain unexpended after the project for which the obligations were authorized has been completed may be paid into the sinking fund for the payment of said obligations and be used only for the payment of principal of such obligations, or for the purposes of acquiring such outstanding obligations by purchase in the manner hereinabove provided.

Sec. 26. The board of directors is authorized to enter into an agreement or agreements with the purchaser or purchasers of any obligations issued hereunder under the terms of which such board shall agree to keep all of

the improvements and facilities, the revenues of which are pledged to the payment of such obligations, insured with insurers of good standing against loss or damage by fire, water or flood, and also from any other hazards customarily insured against by private companies operating similar properties, and to carry with insurers of good standing such insurance covering the use and occupancy of such property as is customarily carried by such private companies. The cost of such insurance shall be budgeted as maintenance and operation expense, and such insurance shall be carried for the benefit of the holders of such obligations.

Sec. 27. Any obligations issued pursuant to the provisions of this Act shall be exempt from taxation by the State of Texas or by any municipal corporation, county, or other political subdivision or taxing district of the State.

Sec. 28. Such district issuing obligations under the provisions hereof may thereafter authorize and issue its refunding obligations on such terms as its board of directors may deem advisable for the purpose of providing for the retirement of any such outstanding obligations, either due or to become due, which refunding obligations may be either exchanged for like par amounts of such outstanding obligations or may be sold and the proceeds of sale so applied. Any refunding obligations authorized and issued pursuant hereto shall be subject to the provisions of this Act pertaining to the issuance of other obligations and shall be secured in all respect to the same extent and be payable from the same revenues as were the obligations refunded thereby.

Sec. 29. Before any such obligations shall be issued, such district shall submit a certified copy thereof and of the proceedings for their issuance, together with any additional information which may be required, to the Attorney General of Texas for approval, and when so approved, such obligations shall be issued after registration with the Comptroller of the State of Texas.

Sec. 30. This Act, without reference to other statutes of the State of Texas, shall constitute full authority for the authorization and issuance of obligations hereunder and for the accomplishment of all things herein

authorized to be done, and no proceedings relating to the authorization or issuance of such obligations or the doing of such things shall be necessary except such as are herein required, and neither the Bond and Warrant Law of 1931 or any other provisions of the laws of the State of Texas pertinent to the authorization or issuance of obligations, the operation and maintenance of such improvements and facilities, the granting of franchises or permits, the right to elections or referendum petitions, or in anywise impeding or restricting the carrying out of the acts authorized to be done hereunder, shall be construed as applying to any proceedings had hereunder or acts done pursuant hereto.

Sec. 31. Nothing in this Act shall be construed as affecting any existing rights, or existing priorities in the rights, to water from the source of supply, and neither the formation of the district hereunder, nor a contract for the purchase of water with such district, shall ever be held to be an abandonment or waiver of said rights or priorities, or an abandonment of the original point of diversion from the source of supply, but all such rights existing at the time of the formation of such district, shall be preserved.

Sec. 32. That said district, or the contractor who employs the labor for the construction of any improvements for said district, shall be required to give preference to persons who are on relief rolls, or otherwise unemployed, including those required for office or clerical work, but excepting the key workers of such district or such contractor, provided, such persons on relief or unemployed, are capable of efficiently rendering the proper service in the various classifications of labor under which they are employed, and in the event there are not sufficient persons with the proper qualifications as aforesaid, then the district or the contractor shall give preference to employment of qualified workers who reside in the locality where such improvements are to be constructed; and every contract expressly entered into by the district hereunder, shall impose upon the contractor the obligation to give preference in employment to such needy persons upon the relief rolls or otherwise as provided herein, and shall expressly impose upon such contractor

the obligations provided for in this section; provided nothing in this section contained shall conflict with the requirements of any Federal agency providing any funds for such district.

Sec. 33. There is hereby appropriated, and there shall be paid to said district out of the General Fund not otherwise appropriated, the sum of five thousand dollars (\$5,000), which said sum shall be used for defraying the expenses of making engineering surveys, plans and specifications, for the compilation of other necessary data, for abstracts of title, and for the payment of necessary and proper expenses incidental to the application and negotiations for, and securing the aid and assistance of the Federal Emergency Administration of Public Works, or other governmental bodies of the United States, and in connection with the organization of the district, and any and all expenses necessary to the management of the affairs of the district. Provided, however, that none of the amount appropriated herein shall be used to pay any expenses or costs incurred prior to the effective date of this bill. Provided that none of the funds herein appropriated shall be used to pay for options on lands in said district.

Sec. 34. If any paragraph, clause or provision of this Act shall be held unconstitutional, the validity of the other provisions of this Act, shall not be affected thereby, but shall remain in full force and effect.

Sec. 35. The importance of this legislation to the section of the State affected thereby, creates an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days be, and the same is hereby suspended, and that this Act shall take effect and be in force from and after the passage thereof, and it is so enacted.

Respectfully submitted,

REDDITT,  
BURNS,  
HILL,  
COTTEN,  
PACE,

On the part of the Senate.

GLASS,  
ROACH of Angelina,  
TILLERY,  
ALSUP,  
JONES of Shelby,

On the part of the House.

On motion of Mr. Glass, the report was adopted by the following vote:

Yeas—125

Adamson	Hunter
Adkins	Hyder
Alexander	Jackson
Alsup	James
Atchison	Jones of Atascosa
Beck	Jones of Falls
Bergman	Jones of Runnels
Bourne	Jones of Shelby
Bradbury	Jones of Wise
Bradford	Keefe
Broyles	King
Burton	Knetsch
Butler of Karnes	Lanning
Cagle	Latham
Caldwell	Lemens
Calvert	Leonard
Canon	Lotief
Clayton	Lucas
Collins	Mauritz
Colson	McCalla
Cooper	McFarland
Cowley	McKinney
Craddock	Moffett
Crossley	Moore
Daniel	Morris
Davis	Morrison
Davison of Fisher	Newton
Davisson	Nicholson
of Eastland	Olsen
Dickison	Padgett
Dunlap of Hays	Palmer
Dwyer	Patterson
England	Payne
Fain	Petsch
Farmer	Pope
Fisher	Quinn
Fitzwater	Reed of Bowie
Ford	Reed of Dallas
Fox	Riddle
Fuchs	Roach of Angelina
Gibson	Roach of Hunt
Glass	Roark
Graves	Roberts
Gray	Rogers
Greathouse	Rutta
Hankamer	Scarborough
Hanna	Settle
Hardin	Shofner
Harris of Archer	Smith
Harris of Dallas	Spears
Hartzog	Stanfield
Head	Steward
Herzik	Stinson
Hill	Stovall
Hodges	Tennyson
Hofheinz	Thornton
Holland	Tillery
Hoskins	Waggoner
Howard	Walker
Huddleston	Wells
Hunt	Westfall

Wood of Harrison Young  
Wood of Montague Youngblood  
Worley

Nays—4

Aikin Russell  
Roane Venable

Present—Not Voting

Lindsey

Absent

Ash Jefferson  
Butler of Brazos Lange  
Celaya Leath  
Colquitt Luker  
Dunagan McConnell  
Dunlap of Kleberg McKee  
Duvall Morse  
Frazer Reader  
Good Tarwater

(Mr. Latham in the Chair.)

# HOUSE BILL NO. 392 WITH SENATE AMENDMENTS

Mr. Colson called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 392, A bill to be entitled "An Act to permit any county in this State wherein the United States Government has acquired or shall hereafter acquire large bodies of land embracing 1,000 acres or more, for purposes of reforestation, and whose assessed valuation of property is not less than \$40,000,000, to adopt, by majority vote of qualified voters of such county, a county unit system to the extent provided in this Act, etc., and declaring an emergency."

The Chair laid the bill before the House, with the Senate amendments.

On motion of Mr. Colson, the House concurred in the Senate amendments by the following vote:

Yeas—122

Adamson	Colson
Adkins	Cooper
Aikin	Cowley
Alexander	Craddock
Alsup	Crossley
Atchison	Daniel
Beck	Davis
Bourne	Davison of Fisher
Bradbury	Davisson
Broyles	of Eastland
Burton	Dickison
Butler of Karnes	Dunlap of Hays
Caldwell	England
Calvert	Fain
Canon	Farmer

Fisher	McFarland
Fitzwater	McKinney
Ford	Moffett
Fox	Moore
Frazer	Morris
Fuchs	Morrison
Gibson	Newton
Glass	Nicholson
Graves	Olsen
Gray	Palmer
Greathouse	Patterson
Hanna	Petsch
Hardin	Pope
Harris of Archer	Quinn
Harris of Dallas	Reed of Bowie
Hartzog	Reed of Dallas
Head	Riddle
Herzik	Roach of Angelina
Hill	Roach of Hunt
Hodges	Roane
Hofheinz	Roark
Holland	Roberts
Howard	Rogers
Huddleston	Russell
Hunter	Rutta
Hyder	Scarborough
Jackson	Shofner
James	Smith
Jefferson	Spears
Jones of Atascosa	Stanfield
Jones of Falls	Steward
Jones of Runnels	Stinson
Jones of Shelby	Stovall
Jones of Wise	Tennyson
Keefe	Thornton
King	Tillery
Knetsch	Venable
Lange	Waggoner
Lanning	Walker
Lemens	Wells
Leonard	Westfall
Lindsey	Wood of Harrison
Lotief	Wood of Montague
Lucas	Worley
Luker	Young
Mauritz	Youngblood
McCalla	

Present—Not Voting

Latham

Absent

Ash	Good
Bergman	Hankamer
Bradford	Hoskins
Butler of Brazos	Hunt
Cagle	Leath
Celaya	McConnell
Clayton	McKee
Collins	Morse
Colquitt	Padgett
Dunagan	Payne
Dunlap of Kleberg	Reader
Duvall	Settle
Dwyer	Tarwater

HOUSE BILL NO. 736 ON SECOND  
READING

(By Unanimous Consent)

The Chair laid before the House, on second reading and passage to engrossment,

H. B. No. 736, A bill to be entitled "An Act repealing Section 7, Section 14, and Section 29, of House Bill No. 122, Chapter 116, General Laws of the Forty-third Legislature, Regular Session, and inserting new sections known as Section 7, Section 14, and Section 29 therein; amending Section 3, Section 4, Section 5, Section 6, Section 8, Section 9, Section 10, Section 11, Section 12, Section 13, Section 18, Section 25, Section 26, and Section 28 of said Act; providing for the creation of a Beer Tax Fund and that refunds and stamp redemptions be made from such fund before allocation; providing for issuance of refund warrants with limitation; providing an appropriation for the payment of refunds and stamp redemptions, if such be necessary, etc."

The bill was read second time.

Mr. Rutta offered the following amendment to the bill:

Amend House Bill No. 736, page 7, line 9, by striking out the words and figures "fifty dollars (\$50)" and inserting in lieu thereof the words and figures "one hundred dollars (\$100)."

Mr. James moved to table the amendment by Mr. Rutta.

The motion to table was lost.

Question recurring on the amendment, it was adopted.

Mr. Rutta offered the following amendment to the bill:

Amend House Bill No. 736, page 7, line 13, by striking out the words and figures "twenty-five dollars (\$25)" and inserting in lieu thereof the words and figures "fifty dollars (\$50)."

Mr. McCalla moved to table the amendment by Mr. Rutta.

The motion to table was lost.

Question recurring on the amendment by Mr. Rutta, it was adopted.

Mr. Lucas offered the following amendment to the bill:

Amend House Bill No. 736, page 12, lines 20 and 21, by striking out the words and figures "one dollar and fifty cents (\$1.50)" and inserting in lieu thereof the words and figures "two dollars (\$2)."

LUCAS,  
KEEFE.

Mr. Roane moved to table the amendment by Mr. Lucas.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—82

Adamson	Knetsch
Alexander	Lange
Atchison	Leonard
Bergman	Luker
Bradford	Mauritz
Butler of Karnes	McCalla
Calvert	McConnell
Clayton	McFarland
Collins	McKee
Colquitt	McKinney
Cooper	Moffett
Cowley	Newton
Craddock	Nicholson
Crossley	Olsen
Dickison	Padgett
Dunagan	Patterson
Dunlap of Hays	Pope
Dunlap of Kleberg	Reed of Bowie
Dwyer	Reed of Dallas
Ford	Riddle
Frazer	Roane
Fuchs	Roark
Gibson	Roberts
Greathouse	Russell
Hankamer	Rutta
Hanna	Scarborough
Harris of Dallas	Settle
Hartzog	Shofner
Head	Smith
Herzik	Spears
Hill	Stanfield
Hodges	Steward
Hofheinz	Stovall
Holland	Tennyson
Hoskins	Thornton
Howard	Waggoner
Hunter	Walker
Hyder	Worley
Jackson	Young
James	Youngblood
Jones of Atascosa	

## Nays—51

Adkins	Davison of Fisher
Aikin	Davisson
Alsup	of Eastland
Beck	Fain
Bourne	Farmer
Bradbury	Fisher
Broyles	Fitzwater
Burton	Fox
Cagle	Glass
Canon	Graves
Colson	Gray
Daniel	Hardin
Davis	Harris of Archer

Huddleston	Morris
Hunt	Morrison
Jones of Falls	Palmer
Jones of Runnels	Payne
Jones of Shelby	Quinn
Jones of Wise	Roach of Angelina
Keefe	Roach of Hunt
King	Tillery
Lanning	Venable
Lemens	Wells
Lindsey	Westfall
Lotief	Wood of Harrison
Lucas	Wood of Montague

## Absent

Ash	Leath
Butler of Brazos	Moore
Caldwell	Morse
Celaya	Petsch
Duvall	Reader
England	Rogers
Good	Stinson
Jefferson	Tarwater
Latham	

Mr. Daniel offered the following amendment to the bill:

Amend House Bill No. 736, page 34, line 24, by striking out the words "Super-X."

DANIEL,  
MORRIS.

The amendment was adopted.

Mr. Lucas offered the following amendment to the bill:

Amend House Bill No. 736, page 12, lines 20 and 21, by striking out the words and figures "one dollar and fifty cents (\$1.50)" and inserting in lieu thereof the words and figures "one dollar and seventy-five cents (\$1.75)."

LUCAS,  
KEEFE.

Mr. Roane moved to table the amendment by Mr. Lucas.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—77

Adamson	Craddock
Alexander	Davis
Butler of Karnes	Dickison
Cagle	Dunagan
Calvert	Dunlap of Hays
Celaya	Dwyer
Clayton	Frazer
Collins	Fuchs
Colson	Good
Cooper	Greathouse
Cowley	Hankamer

Harris of Dallas	Olsen
Hartzog	Padgett
Head	Palmer
Herzik	Patterson
Hodges	Petsch
Hofheinz	Pope
Holland	Reed of Bowie
Hoskins	Reed of Dallas
Howard	Riddle
Hyder	Roane
Jackson	Roberts
James	Rogers
Jefferson	Rutta
Jones of Atascosa	Scarborough
Jones of Runnels	Shofner
Knetsch	Smith
Leath	Spears
Lemens	Stanfield
Leonard	Steward
Mauritz	Stovall
McCalla	Tennyson
McConnell	Thornton
McFarland	Tillery
McKee	Venable
McKinney	Waggoner
Moffett	Walker
Newton	Young
Nicholson	

## Nays—50

Adkins	Huddleston
Aikin	Hunt
Alsup	Hunter
Beck	Jones of Falls
Bergman	Jones of Wise
Bourne	Keefe
Bradbury	King
Broyles	Lanning
Burton	Lindsey
Canon	Lotief
Daniel	Lucas
Davison of Fisher	Moore
Davisson	Morris
of Eastland	Morrison
England	Payne
Fain	Quinn
Farmer	Roach of Angelina
Fisher	Roach of Hunt
Fitzwater	Roark
Fox	Russell
Gibson	Settle
Glass	Westfall
Graves	Wood of Harrison
Gray	Wood of Montague
Hardin	Worley
Harris of Archer	Youngblood

## Absent

Ash	Duvall
Atchison	Ford
Bradford	Hanna
Butler of Brazos	Hill
Caldwell	Jones of Shelby
Colquitt	Lange
Crossley	Latham
Dunlap of Kleberg	Lnker

Morse  
Reader  
Stinson

Tarwater  
Wells

Venable  
Waggoner  
Worley

Young  
Youngblood

Mr. Alsup offered the following amendment to the bill:

Amend House Bill No. 736, Section 6, page 13, by adding a new subsection between Subsections (d) and (e), as follows:

"Every importer of beer shall pay, in addition to the tax now levied, an additional tax of 50 cents a barrel for inspection purposes."

On motion of Mr. Roane, the amendment was tabled.

Mr. Jones of Wise moved that further consideration of House Bill No. 736 be postponed until 11 o'clock a. m., next Tuesday.

Mr. Roane moved to table the motion by Mr. Jones of Wise.

The motion to table prevailed.

Mr. Roane moved the previous question on the amendments on the Speaker's desk, and the passage of House Bill No. 736 to engrossment, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The motion prevailed by the following vote:

#### Yeas—61

Adamson	Jones of Shelby
Ash	Jones of Wise
Atchison	Keefe
Cagle	King
Collins	Knetsch
Colquitt	Lemens
Colson	Lucas
Cooper	Luker
Cowley	Mauritz
Crossley	McFarland
Davison of Fisher	McKinney
Dunlap of Kleberg	Moore
Fisher	Morris
Frazer	Olsen
Fuchs	Patterson
Gibson	Payne
Greathouse	Roach of Angelina
Harris of Dallas	Roane
Hartzog	Roark
Holland	Rogers
Howard	Rutta
Hunter	Settle
Hyder	Shofner
Jackson	Smith
James	Stanfield
Jones of Atascosa	Steward
Jones of Falls	Stovall
Jones of Runnels	Thornton

#### Nays—58

Adkins	Hill
Aikin	Hodges
Alexander	Hofheinz
Alsup	Hoskins
Beck	Huddleston
Bergman	Hunt
Bourne	Lanning
Bradbury	Lindsey
Broyles	McCalla
Burton	McConnell
Canon	McKee
Clayton	Moffett
Craddock	Morrison
Daniel	Newton
Davisson	Nicholson
of Eastland	Palmer
Dickison	Petsch
Dwyer	Quinn
England	Reed of Bowie
Fain	Reed of Dallas
Farmer	Roach of Hunt
Fitzwater	Roberts
Fox	Spears
Glass	Tennyson
Graves	Tillery
Gray	Wells
Hankamer	Westfall
Hardin	Wood of Harrison
Harris of Archer	Wood of Montague
Head	

#### Absent

Bradford	Lange
Butler of Brazos	Latham
Butler of Karnes	Leath
Caldwell	Leonard
Calvert	Lotief
Celaya	Morse
Davis	Padgett
Dunagan	Pope
Dunlap of Hays	Reader
Duvall	Riddle
Ford	Russell
Good	Scarborough
Hanna	Stinson
Herzik	Tarwater
Jefferson	Walker

(Speaker in the Chair.)

Mr. Lemens offered the following amendment to the bill:

Amend House Bill No. 736, page 37, by striking out the word "provided" in line 26, and by striking out all of lines 27, 28, and 29, on page 37, and by changing the period after the word "purpose" in line 23 to a comma, and by adding thereafter the following: "in such amounts and for such purposes as may be fixed by the Legisla-

ture in the General Appropriation Bill."

LEMENS,  
LEONARD.

The amendment was adopted.

Mr. Roane offered the following amendment to the bill:

Amend House Bill No. 736 by adding thereto an emergency clause to read as follows:

"Section 30. The importance of this legislation and the crowded condition of the calendar create an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days in each house, be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and to the body of the bill.

House Bill No. 736 was then passed to engrossment.

#### HOUSE BILL NO. 736 ON THIRD READING

Mr. Roane moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 736 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—104

Adamson	Dunlap of Kleberg
Adkins	England
Alexander	Fain
Alsup	Farmer
Ash	Fisher
Atchison	Fitzwater
Beck	Fuchs
Bourne	Glass
Bradbury	Gray
Broyles	Hankamer
Burton	Harris of Archer
Butler of Karnes	Harris of Dallas
Cagle	Herzik
Clayton	Hill
Collins	Hodges
Colquitt	Hofheinz
Colson	Holland
Cooper	Hoskins
Cowley	Howard
Davison of Fisher	Huddleston
Dickison	Hunt
Dunagan	Hunter
Dunlap of Hays	Hyder

Jackson	Patterson
James	Payne
Jefferson	Quinn
Jones of Atascosa	Reed of Bowie
Jones of Falls	Reed of Dallas
Jones of Runnels	Roach of Angelina
King	Roach of Hunt
Knetsch	Roane
Lange	Roberts
Lanning	Rutta
Lemens	Settle
Lindsey	Shofner
Lotief	Smith
Luker	Spears
Mauritz	Stanfield
McCalla	Steward
McConnell	Stovall
McFarland	Tarwater
McKee	Tennyson
McKinney	Thornton
Moffett	Tillery
Moore	Venable
Morris	Waggoner
Morrison	Walker
Newton	Wells
Nicholson	Wood of Montague
Olsen	Worley
Padgett	Young
Palmer	Youngblood

Nays—15

Aikin	Jones of Shelby
Canon	Jones of Wise
Craddock	Keefe
Davisson	Lucas
of Eastland	Roark
Gibson	Scarborough
Hardin	Westfall
Head	Wood of Harrison

Absent

Bergman	Graves
Bradford	Greathouse
Butler of Brazos	Hanna
Caldwell	Hartzog
Calvert	Latham
Celaya	Leath
Crossley	Leonard
Daniel	Morse
Davis	Petsch
Duvall	Pope
Dwyer	Reader
Ford	Riddle
Fox	Rogers
Frazer	Russell
Good	Stinson

The Speaker then laid House Bill No. 736 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—106

Adamson	Alexander
Adkins	Alsup

Ash	Jones of Runnels
Atchison	King
Beck	Knetsch
Bergman	Lange
Bourne	Lanning
Bradbury	Leath
Burton	Lemens
Butler of Karnes	Leonard
Cagle	Lindsey
Celaya	Lotief
Clayton	Luker
Collihs	Mauritz
Colson	McCalla
Cooper	McConnell
Cowley	McFarland
Crossley	McKee
Dickison	McKinne
Dunagan	Moore
Dunlap of Hays	Morris
Dunlap of Kleberg	Nicholson
Duvall	Olsen
Dwyer	Padgett
England	Patterson
Fain	Payne
Farmer	Pope
Fisher	Quinn
Fitzwater	Reed of Bowie
Frazer	Reed of Dallas
Fuchs	Roach of Angelina
Glass	Roach of Hunt
Gray	Roane
Greathouse	Roberts
Hankamer	Rutta
Hanna	Settle
Harris of Archer	Shofner
Harris of Dallas	Smith
Hartzog	Spears
Herzik	Stanfield
Hill	Steward
Hofheinz	Stovall
Holland	Tennyson
Hoskins	Thornton
Howard	Tillery
Huddleston	Venable
Hunt	Waggoner
Hunter	Walker
Hyder	Wells
Jackson	Westfall
James	Worley
Jefferson	Young
Jones of Atascosa	Youngblood
Jones of Falls	

Nays—21

Aikin	Jones of Shelby
Broyles	Jones of Wise
Canon	Keefe
Craddock	Lucas
Davisson	Moffett
of Eastland	Morrison
Fox	Newton
Gibson	Roark
Hardin	Scarborough
Head	Wood of Harrison
Hodges	Wood of Montague

## Absent

Bradford	Latham
Butler of Brazos	Morse
Caldwell	Palmer
Calvert	Petsch
Colquitt	Reader
Daniel	Riddle
Davis	Rogers
Davison of Fisher	Russell
Ford	Stinson
Good	Tarwater
Graves	

## MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, April 18, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

H. C. R. No. 65, Memorializing Congress to take appropriate action in relation to the cotton industry.

H. J. R. No. 39, Proposing an amendment to Section 15 of Article I, of the Constitution of Texas, providing that Legislature may authorize the temporary commitment of mentally ill persons, for treatment without necessity of trial by jury.

H. C. R. No. 39, Designating March 4 as Roosevelt Day.

H. C. R. No. 61, Memorializing Congress to enact appropriate legislation in regard to the movement of cigarettes in interstate commerce.

H. C. R. N. 48, Providing that Tex Moore be designated by the Legislature of Texas as "Cowboy Artist of Texas."

H. C. R. No. 78, Urging the chairman of the Civilian Conservation Corps to place a camp along the Trinity River.

H. C. R. No. 70, Granting T. G. Allen of Navarro County permission to maintain suit against the State Highway Commission.

Respectfully,

**BOB BARKER,**  
Secretary of the Senate.

## SENATE BILL NO. 248 ON THIRD READING

On motion of Mr. Bergman, the regular order of business was sus-

pendent to take up, and have placed on its second reading and passage to third reading,

S. B. No. 248, A bill to be entitled "An Act creating the Special Ninth District Court of Montgomery County, Waller County, Polk County, and San Jacinto County, Texas; prescribing its jurisdiction, limiting its existence, fixing its terms; providing for the appointment of a judge thereof, fixing his compensation, making an appropriation for the same, and declaring an emergency."

The Speaker then laid Senate Bill No. 248 before the House; it was read second time, and was passed to third reading.

#### SENATE BILL NO. 248 ON THIRD READING

Mr. Bergman moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 248 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—125

Adamson	Fisher
Adkins	Fitzwater
Alexander	Ford
Alsup	Fox
Ash	Frazer
Atchison	Fuchs
Beck	Gibson
Bergman	Glass
Bourne	Graves
Bradbury	Gray
Bradford	Greathouse
Burton	Hankamer
Butler of Brazos	Hanna
Calvert	Hardin
Canon	Harris of Archer
Celaya	Harris of Dallas
Clayton	Hartzog
Collins	Head
Colson	Herzik
Cooper	Hodges
Cowley	Hofheinz
Craddock	Holland
Crossley	Hoskins
Daniel	Howard
Davisson	Huddleston
of Eastland	Hunter
Dunagan	Hyder
Dunlap of Hays	Jackson
Dunlap of Kleberg	Jefferson
Duvall	Jones of Atascosa
Dwyer	Jones of Falls
England	Jones of Runnels
Fain	Jones of Shelby
Farmer	Jones of Wise

Keefe	Riddle
King	Roach of Angelina
Lange	Roach of Hunt
Lanning	Roark
Lemens	Roberts
Leonard	Rogers
Lindsey	Russell
Lotief	Rutta
Lucas	Scarborough
Mauritz	Settle
McCalla	Smith
McConnell	Spears
McFarland	Stanfield
McKee	Steward
McKinney	Stinson
Moffett	Stovall
Moore	Tarwater
Morris	Thornton
Morrison	Tillery
Newton	Venable
Nicholson	Waggoner
Olsen	Walker
Palmer	Wells
Patterson	Westfall
Payne	Wood of Harrison
Pope	Wood of Montague
Quinn	Worley
Reader	Young
Reed of Bowie	Youngblood

Nays—9

Aikin	Knetsch
Broyles	Roane
Cagle	Shofner
Davison of Fisher	Tennyson
Hunt	

Absent

Butler of Karnes	Latham
Caldwell	Leath
Colquitt	Luker
Davis	Morse
Dickison	Padgett
Good	Petsch
Hill	Reed of Dallas
James	

The Speaker then laid Senate Bill No. 248 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—115

Adamson	Butler of Brazos
Adkins	Calvert
Alexander	Canon
Alsup	Celaya
Ash	Clayton
Atchison	Collins
Beck	Colson
Bergman	Cooper
Bourne	Cowley
Bradbury	Craddock
Bradford	Daniel
Burton	Dickison

Dunagan	McConnell
Dunlap of Hays	McFarland
Dwyer	McKee
England	McKinney
Fain	Moffett
Farmer	Morris
Fisher	Morrison
Fitzwater	Nicholson
Ford	Olsen
Fox	Padgett
Fuchs	Palmer
Gibson	Patterson
Glass	Payne
Gray	Pope
Greathouse	Quinn
Hankamer	Reader
Hanna	Reed of Bowie
Harris of Archer	Reed of Dallas
Harris of Dallas	Riddle
Hartzog	Roach of Hunt
Herzik	Roark
Hill	Roberts
Hodges	Rogers
Hofheinz	Russell
Holland	Rutta
Hoskins	Scarborough
Howard	Settle
Hunt	Smith
Hunter	Spears
Jackson	Stanfield
James	Steward
Jones of Atascosa	Stinson
Jones of Falls	Stovall
Jones of Shelby	Tarwater
Jones of Wise	Thornton
Keefe	Tillery
King	Venable
Lange	Waggoner
Lanning	Wells
Leath	Westfall
Lemens	Wood of Harrison
Leonard	Wood of Montague
Lindsey	Worley
Lucas	Young
Mauritz	Youngblood
McCalla	

## Nays—12

Aikin	Knetsch
Broyles	Lotief
Cagle	Roane
Davison of Fisher	Shofner
Davisson	Tennyson
of Eastland	Walker
Hardin	

## Absent

Butler of Karnes	Huddleston
Caldwell	Hyder
Colquitt	Jefferson
Crossley	Jones of Runnels
Davis	Latham
Dunlap of Kleberg	Luker
Duvall	Moore
Frazer	Morse
Good	Newton
Graves	Petsch
Head	Roach of Angelina

## SENATE BILL NO. 462 ON SECOND READING

(By Unanimous Consent)

The Speaker laid before the House, on its second reading and passage to third reading.

S. B. No. 462, A bill to be entitled "An Act providing that it shall be unlawful for any person, firm, or corporation to sell or to offer for sale, within the State of Texas any goods, wares, and or merchandise manufactured wholly or in part by convicts or prisoners in penal and/or reformatory institutions except convicts or prisoners on parole or probation; providing exemptions and providing penalties, and declaring an emergency."

The bill was read second time, and was passed to third reading.

## SENATE BILL NO. 462 ON THIRD READING

Mr. McKinney moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 462 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—127

Adamson	Dunlap of Hays
Adkins	Dunlap of Kleberg
Aikin	Dwyer
Alsup	England
Atchison	Fain
Beck	Farmer
Bergman	Fisher
Bourne	Fitzwater
Bradbury	Ford
Bradford	Fox
Broyles	Frazer
Burton	Fuchs
Butler of Karnes	Gibson
Cagle	Glass
Caldwell	Graves
Calvert	Gray
Canon	Greathouse
Clayton	Hankamer
Collins	Hanna
Colquitt	Hardin
Colson	Harris of Archer
Cooper	Harris of Dallas
Cowley	Hartzog
Craddock	Hill
Crossley	Hodges
Daniel	Hofheinz
Davison of Fisher	Holland
Davisson	Hoskins
of Eastland	Howard
Dunagan	Huddleston

Hunt	Patterson	Crossley	Lucas
Hunter	Payne	Daniel	Mauritz
Jackson	Pope	Davison of Fisher	McCalla
James	Quinn	Davisson	McConnell
Jefferson	Reader	of Eastland	McFarland
Jones of Falls	Reed of Bowie	Dickison	McKee
Jones of Runnels	Reed of Dallas	Dunlap of Hays	McKinney
Jones of Wise	Roach of Angelina	Dunlap of Kleberg	Moffett
Keefe	Roach of Hunt	Dwyer	Moore
King	Roane	England	Morris
Knetsch	Roark	Fain	Morrison
Lange	Roberts	Farmer	Morse
Lanning	Rogers	Fisher	Newton
Leath	Scarborough	Fitzwater	Nicholson
Lemens	Settle	Ford	Olsen
Leonard	Smith	Fox	Padgett
Lindsey	Spears	Frazer	Patterson
Lotief	Stanfield	Fuchs	Payne
Lucas	Steward	Gibson	Pope
Luker	Stinson	Glass	Quinn
Mauritz	Stovall	Gray	Reader
McCalla	Tarwater	Greathouse	Reed of Bowie
McConnell	Tennyson	Hankamer	Reed of Dallas
McFarland	Thornton	Hanna	Roach of Angelina
McKinney	Tillery	Hardin	Roach of Hunt
Moffett	Venable	Harris of Archer	Roane
Moore	Waggoner	Harris of Dallas	Roark
Morris	Wells	Hartzog	Roberts
Morrison	Westfall	Hill	Rutta
Morse	Wood of Harrison	Hodges	Scarborough
Nicholson	Wood of Montague	Hofheinz	Settle
Olsen	Worley	Holland	Shofner
Padgett	Young	Hoskins	Smith
Palmer	Youngblood	Howard	Spears
		Huddleston	Stanfield
		Hunt	Steward
		Hunter	Stinson
		Jackson	Stovall
		James	Tarwater
		Jefferson	Tennyson
		Jones of Atascosa	Thornton
		Jones of Falls	Tillery
		Jones of Wise	Venable
		Keefe	Waggoner
		King	Walker
		Knetsch	Wells
		Lanning	Westfall
		Leath	Wood of Harrison
		Lemens	Wood of Montague
		Leonard	Worley
		Lotief	Youngblood

## Absent

Alexander	Jones of Atascosa
Ash	Jones of Shelby
Butler of Brazos	Latham
Celaya	McKee
Davis	Newton
Dickison	Petsch
Duvall	Riddle
Good	Russell
Head	Rutta
Herzik	Shofner
Hyder	Walker

The Speaker then laid Senate Bill No. 462 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—123

Adamson	Butler of Brazos
Adkins	Butler of Karnes
Aikin	Caldwell
Alsup	Calvert
Atchison	Canon
Beck	Clayton
Bourne	Collins
Bradbury	Colquitt
Bradford	Cooper
Broyles	Cowley
Burton	Craddock

## Cagle

Alexander
Ash
Bergman
Celaya
Colson
Davis
Dunagan
Duvall
Good
Graves
Head

## Nays—1

## Absent

Herzik
Hyder
Jones of Runnels
Jones of Shelby
Lange
Latham
Lindsey
Luker
Palmer
Petsch
Riddle

Rogers  
Russell

Young

### Reason for Vote

I voted "nay" on Senate Bill No. 462 because the bill is unconstitutional as an interference with interstate commerce.

CAGLE.

### HOUSE BILLS ON FIRST READING

Mr. Palmer moved to introduce at this time, and have placed on first reading, House Bill No. 970.

The motion prevailed by the following vote:

#### Yeas—128

Adamson	Hardin
Aikin	Harris of Archer
Alexander	Harris of Dallas
Alsup	Head
Ash	Herzik
Atchison	Hill
Beck	Hodges
Bergman	Hofheinz
Bourne	Holland
Bradbury	Huddleston
Broyles	Hunt
Burton	Hunter
Butler of Brazos	Hyder
Butler of Karnes	Jackson
Caldwell	James
Calvert	Jones of Falls
Celaya	Jones of Runnels
Clayton	Jones of Wise
Collins	King
Colson	Knetsch
Cooper	Lange
Cowley	Lanning
Craddock	Leath
Crossley	Lemens
Davison of Fisher	Leonard
Davisson	Lindsey
of Eastland	Lotief
Dickison	Lucas
Dunagan	Luker
Dunlap of Hays	Mauritz
Dunlap of Kleberg	McCalla
England	McConnell
Fain	McFarland
Farmer	McKee
Fisher	McKinney
Fitzwater	Moffett
Ford	Moore
Fox	Morris
Frazer	Morrison
Fuchs	Morse
Gibson	Newton
Glass	Nicholson
Good	Olsen
Graves	Padgett
Gray	Palmer
Greathouse	Patterson
Hankamer	Payne
Hanna	Pope

Quinn  
Reader  
Reed of Bowie  
Reed of Dallas  
Roach of Angelina  
Roach of Hunt  
Roane  
Roark  
Roberts  
Rogers  
Russell  
Rutta  
Scarborough  
Settle  
Shofner  
Smith  
Stanfield

Steward  
Stinson  
Stovall  
Tarwater  
Tennyson  
Thornton  
Tillery  
Venable  
Walker  
Wells  
Westfall  
Wood of Harrison  
Wood of Montague  
Worley  
Young  
Youngblood

#### Absent

Adkins	Howard
Bradford	Jefferson
Cagle	Jones of Atascosa
Canon	Jones of Shelby
Colquitt	Keefe
Daniel	Latham
Davis	Petsch
Duvall	Riddle
Dwyer	Spears
Hartzog	Waggoner
Hoskins	

Mr. Hunter moved to introduce at this time, and have placed on first reading, House Bill No. 972.

The motion prevailed by the following vote:

#### Yeas—128

Adamson	Dunagan
Aikin	Dunlap of Hays
Alexander	Dunlap of Kleberg
Alsup	England
Ash	Fain
Atchison	Farmer
Beck	Fisher
Bergman	Fitzwater
Bourne	Ford
Bradbury	Fox
Broyles	Frazer
Burton	Fuchs
Butler of Brazos	Gibson
Butler of Karnes	Glass
Caldwell	Good
Calvert	Graves
Celaya	Gray
Clayton	Greathouse
Collins	Hankamer
Colson	Hanna
Cooper	Hardin
Cowley	Harris of Archer
Craddock	Harris of Dallas
Crossley	Head
Davison of Fisher	Herzik
Davisson	Hill
of Eastland	Hodges
Dickison	Hofheinz

Holland	Patterson
Huddleston	Payne
Hunt	Pope
Hunter	Quinn
Hyder	Reader
Jackson	Reed of Bowie
James	Reed of Dallas
Jones of Falls	Roach of Angelina
Jones of Runnels	Roach of Hunt
Jones of Wise	Roane
King	Roark
Knetsch	Roberts
Lange	Rogers
Lanning	Russell
Leath	Rutta
Lemens	Scarborough
Leonard	Settle
Lindsey	Shofner
Lotief	Smith
Lucas	Stanfield
Luker	Steward
Mauritz	Stinson
McCalla	Stovall
McConnell	Tarwater
McFarland	Tennyson
McKee	Thornton
McKinney	Tillery
Moffett	Venable
Moore	Walker
Morris	Wells
Morrison	Westfall
Morse	Wood of Harrison
Newton	Wood of Montague
Nicholson	Worley
Olsen	Young
Padgett	Youngblood
Palmer	

## Absent

Adkins	Howard
Bradford	Jefferson
Cagle	Jones of Atascosa
Canon	Jones of Shelby
Colquitt	Keefe
Daniel	Latham
Davis	Petsch
Duvall	Riddle
Dwyer	Spears
Hartzog	Waggoner
Hoskins	

Mr. Glass moved to introduce at this time, and have placed on its first reading, House Bill No. 973.

The motion prevailed by the following vote:

## Yeas—128

Adamson	Bradbury
Aikin	Broyles
Alexander	Burton
Alsup	Butler of Brazos
Ash	Butler of Karnes
Atchison	Caldwell
Beck	Calvert
Bergman	Celaya
Bourne	Clayton

Collins	Lotief
Colson	Lucas
Cooper	Luker
Cowley	Mauritz
Craddock	McCalla
Crossley	McConnell
Davison of Fisher	McFarland
Davisson	McKee
of Eastland	McKinney
Dickison	Moffett
Dunagan	Moore
Dunlap of Hays	Morris
Dunlap of Kleberg	Morrison
England	Morse
Fain	Newton
Farmer	Nicholson
Fisher	Olsen
Fitzwater	Padgett
Ford	Palmer
Fox	Patterson
Frazer	Payne
Fuchs	Pope
Gibson	Quinn
Glass	Reader
Good	Reed of Bowie
Graves	Reed of Dallas
Gray	Roach of Angelina
Greathouse	Roach of Hunt
Hankamer	Roane
Hanna	Roark
Hardin	Roberts
Harris of Archer	Rogers
Harris of Dallas	Russell
Head	Rutta
Herzik	Scarborough
Hill	Settle
Hodges	Shofner
Hofheinz	Smith
Holland	Stanfield
Huddleston	Steward
Hunt	Stinson
Hunter	Stovall
Hyder	Tarwater
Jackson	Tennyson
James	Thornton
Jones of Falls	Tillery
Jones of Runnels	Venable
Jones of Wise	Walker
King	Wells
Knetsch	Westfall
Lange	Wood of Harrison
Lanning	Wood of Montague
Leath	Worley
Lemens	Young
Leonard	Youngblood
Lindsey	

## Absent

Adkins	Hartzog
Bradford	Hoskins
Cagle	Howard
Canon	Jefferson
Colquitt	Jones of Atascosa
Daniel	Jones of Shelby
Davis	Keefe
Duvall	Latham
Dwyer	Petsch

Riddle  
Spears

Waggoner

Mr. Jones of Wise moved to introduce at this time, and have placed on first reading, House Bill No. 971.

The motion prevailed by the following vote:

Yeas—128

Adamson	Huddleston
Aikin	Hunt
Alexander	Hunter
Alsup	Hyder
Ash	Jackson
Atchison	James
Beck	Jones of Falls
Bergman	Jones of Runnels
Bourne	Jones of Wise
Bradbury	King
Broyles	Knetsch
Burton	Lange
Butler of Brazos	Lanning
Butler of Karnes	Leath
Caldwell	Lemens
Calvert	Leonard
Celaya	Lindsey
Clayton	Lotief
Collins	Lucas
Colson	Luker
Cooper	Mauritz
Cowley	McCalla
Craddock	McConnell
Crossley	McFarland
Davison of Fisher	McKee
Davisson	McKinney
of Eastland	Moffett
Dickison	Moore
Dunagan	Morris
Dunlap of Hays	Morrison
Dunlap of Kleberg	Morse
England	Newton
Fain	Nicholson
Farmer	Olsen
Fisher	Padgett
Fitzwater	Palmer
Ford	Patterson
Fox	Payne
Frazer	Pope
Fuchs	Quinn
Gibson	Reader
Glass	Reed of Bowie
Good	Reed of Dallas
Graves	Roach of Angelina
Gray	Roach of Hunt
Greathouse	Roane
Hankamer	Roark
Hanna	Roberts
Hardin	Rogers
Harris of Archer	Russell
Harris of Dallas	Rutta
Head	Scarborough
Herzik	Settle
Hill	Shofner
Hodges	Smith
Hofheinz	Stanfield
Holland	Steward

Stinson  
Stovall  
Tarwater  
Tennyson  
Thornton  
Tillery  
Venable  
Walker

Wells  
Westfall  
Wood of Harrison  
Wood of Montague  
Worley  
Young  
Youngblood

Absent

Adkins	Howard
Bradford	Jefferson
Cagle	Jones of Atascosa
Canon	Jones of Shelby
Colquitt	Keefe
Daniel	Latham
Davis	Petsch
Duvall	Riddle
Dwyer	Spears
Hartzog	Waggoner
Hoskins	

Mr. Good moved to introduce at this time, and have placed on its first reading, House Bill No. 969.

The motion prevailed by the following vote:

Yeas—128

Adamson	Frazer
Aikin	Fuchs
Alexander	Gibson
Alsup	Glass
Ash	Good
Atchison	Graves
Beck	Gray
Bergman	Greathouse
Bourne	Hankamer
Bradbury	Hanna
Broyles	Hardin
Burton	Harris of Archer
Butler of Brazos	Harris of Dallas
Butler of Karnes	Head
Caldwell	Herzik
Calvert	Hill
Celaya	Hodges
Clayton	Hofheinz
Collins	Holland
Colson	Huddleston
Cooper	Hunt
Cowley	Hunter
Craddock	Hyder
Crossley	Jackson
Davison of Fisher	James
Davisson	Jones of Falls
of Eastland	Jones of Runnels
Dickison	Jones of Wise
Dunagan	King
Dunlap of Hays	Knetsch
Dunlap of Kleberg	Lange
England	Lanning
Fain	Leath
Farmer	Lemens
Fisher	Leonard
Fitzwater	Lindsey
Ford	Lotief
Fox	Lucas

Luker	Roark
Mauritz	Roberts
McCalla	Rogers
McConnell	Russell
McFarland	Rutta
McKee	Scarborough
McKinney	Settle
Moffett	Shofner
Moore	Smith
Morris	Stanfield
Morrison	Steward
Morse	Stinson
Newton	Stovall
Nicholson	Tarwater
Olsen	Tennyson
Padgett	Thornton
Palmer	Tillery
Patterson	Venable
Payne	Walker
Pope	Wells
Quinn	Westfall
Reader	Wood of Harrison
Reed of Bowie	Wood of Montague
Reed of Dallas	Worley
Roach of Angelina	Young
Roach of Hunt	Youngblood
Roane	

## Absent

Adkins	Howard
Bradford	Jefferson
Cagle	Jones of Atascosa
Canon	Jones of Shelby
Colquitt	Keefe
Daniel	Latham
Davis	Petsch
Duval	Riddle
Dwyer	Spears
Hartzog	Waggoner
Hoskins	

The Speaker then laid the bills before the House; they were read first time, and referred to the appropriate committees, as follows:

By Mr. Good:

H. B. No. 969, A bill to be entitled "An Act to amend Article 3810 of the Revised Civil Statutes relating to the sales of real estate under deeds of trust; requiring notice of such sales to be sent by registered mail to all persons having liens of record against the land to be foreclosed, and providing that an affidavit made by the party sending a notice by mail shall be subject to registration and when recorded shall be prima facie evidence that the notice was sent, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Palmer:

H. B. No. 970, A bill to be entitled "An Act to fix the salaries and com-

pensation of county commissioners in counties with a population of not less than 12,220 or more than 12,235, according to the last Federal Census, and declaring an emergency."

Referred to Committee on Counties.

By Mr. Jones of Wise:

H. B. No. 971, A bill to be entitled "An Act defining certain words, terms and phrases as used in the Act; conferring the right of eminent domain on all agencies, bodies and corporations engaged in public works projects, etc., and declaring an emergency."

Referred to Committee on Federal Relations.

By Mr. Hunter:

H. B. No. 972, A bill to be entitled "An Act authorizing the State Tax Board to use any unexpended portion of an appropriation of \$8,400 for traveling expenses for the fiscal year ending August 31, 1935, for the payment of court costs and expenses incident to defending the suit of Atlantic Pipe Line Company vs. Brown County, et al., No. 206 Equity, pending in the United States District Court for the Northern District of Texas, and providing for deposit with the clerk of the court for the future cost, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Glass:

H. B. No. 973, A bill to be entitled "An Act amending Article 198, Title 8, Revised Civil Statutes of 1925, as heretofore amended, by taking Cherokee County from the Sixth Supreme Judicial District and placing said county within the Ninth Supreme Judicial District, etc., and declaring an emergency."

Referred to Committee on Judicial Districts.

Mr. Good, by unanimous consent, withdrew House Bill No. 969.

## SENATE BILL NO. 48 ON SECOND READING

On motion of Mr. Thornton, the regular order of business was suspended to take up, and have placed on its second reading and passage to third reading,

S. B. No. 48, A bill to be entitled "An Act to amend Sections 2, 5, and

7, of Chapter 96, of the Acts of the Regular Session of the Forty-second Legislature, so as to include agents of fidelity and surety companies in the definitions contained in said Act and to make the same apply to such agents and so as to re-define the term 'solicitor' as used in said Act and prescribing a solicitor's qualifications and so as to prohibit the licensing of an individual or firm to engage in the insurance business principally to handle business which he controls only through ownership, mortgage, or sale, and declaring an emergency."

The Speaker laid the bill before the House; it was read second time, and was passed to third reading.

#### SENATE BILL NO. 48 ON THIRD READING

Mr. Thornton moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 48 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—118

Adamson	Fisher
Aikin	Fitzwater
Alsup	Ford
Ash	Fox
Atchison	Gibson
Beck	Glass
Bergman	Good
Bourne	Graves
Bradbury	Gray
Bradford	Greathouse
Broyles	Hankamer
Burton	Hanna
Butler of Brazos	Hardin
Butler of Karnes	Harris of Archer
Cagle	Harris of Dallas
Caldwell	Hartzog
Calvert	Head
Canon	Herzik
Clayton	Hill
Collins	Hodges
Cooper	Hofheinz
Cowley	Holland
Craddock	Huddleston
Crossley	Hunt
Daniel	Hunter
Davison of Fisher	Hyder
Davisson	Jackson
of Eastland	James
Dickison	Jones of Atascosa
Dunagan	Jones of Falls
Dunlap of Hays	Jones of Runnels
Dwyer	Jones of Wise
England	King
Fain	Lange
Farmer	Lanning

Latham	Roane
Leath	Roark
Lemens	Roberts
Leonard	Rogers
Lindsey	Russell
Lotief	Scarborough
Lucas	Shofner
Luker	Smith
Mauritz	Steward
McCalla	Stinson
McConnell	Stovall
McKee	Tennyson
Moffett	Thornton
Moore	Tillery
Morrison	Venable
Morse	Waggoner
Newton	Walker
Nicholson	Wells
Olsen	Westfall
Petsch	Wood of Harrison
Quinn	Wood of Montague
Reed of Bowie	Worley
Reed of Dallas	Young
Roach of Angelina	Youngblood
Roach of Hunt	

#### Absent

Adkins	McFarland
Alexander	McKinney
Celaya	Morris
Colquitt	Padgett
Colson	Palmer
Davis	Patterson
Dunlap of Kleberg	Payne
Duvall	Pope
Frazer	Reader
Fuchs	Riddle
Hoskins	Rutta
Howard	Settle
Jefferson	Spears
Jones of Shelby	Stanfield
Keefe	Tarwater
Knetsch	

The Speaker then laid Senate Bill No. 48 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—123

Adamson	Caldwell
Aikin	Calvert
Alsup	Canon
Ash	Celaya
Atchison	Clayton
Beck	Collins
Bergman	Colson
Bourne	Cooper
Bradbury	Cowley
Bradford	Craddock
Broyles	Crossley
Burton	Daniel
Butler of Brazos	Davison of Fisher
Butler of Karnes	Davisson
Cagle	of Eastland

Youngblood	Lindsey
Dickison	Lotief
Dunlap of Hays	Lucas
Dwyer	Luker
England	Mauritz
Fain	McCalla
Farmer	McConnell
Fisher	McFarland
Fitzwater	McKee
Ford	Moffett
Fox	Moore
Frazer	Morris
Gibson	Morrison
Glass	Morse
Graves	Newton
Gray	Nicholson
Greathouse	Olsen
Hankamer	Palmer
Hanna	Payne
Hardin	Quinn
Harris of Archer	Reed of Bowie
Harris of Dallas	Reed of Dallas
Hartzog	Roach of Angelina
Head	Roach of Hunt
Herzik	Roark
Hill	Roberts
Hodges	Rogers
Hofheinz	Russell
Holland	Scarborough
Huddleston	Shofner
Hunt	Smith
Hunter	Stanfield
Hyder	Steward
Jackson	Stinson
James	Tennyson
Jones of Atascosa	Thornton
Jones of Falls	Tillery
Jones of Runnels	Venable
Jones of Wise	Waggoner
King	Walker
Knetsch	Wells
Lange	Westfall
Lanning	Wood of Harrison
Latham	Wood of Montague
Leath	Worley
Lemens	Young
Leonard	

## Present—Not Voting

Roane

## Absent

Adkins	Keefe
Alexander	McKinney
Colquitt	Padgett
Davis	Patterson
Dunagan	Petsch
Dunlap of Kleberg	Pope
Duvall	Reader
Fuchs	Riddle
Good	Rutta
Hoskins	Settle
Howard	Spears
Jefferson	Stovall
Jones of Shelby	Tarwater

## RECESS

On motion of Mr. Quinn, the House, at 12 o'clock m., took recess to 2 o'clock p. m., today.

## AFTERNOON SESSION

The House met at 2 o'clock p. m., and was called to order by the Speaker.

## BILLS AND RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolution:

H. C. R. No. 65, Memorializing Congress in regard to cotton manufacturing industry.

H. B. No. 831, "An Act authorizing the separation or divorcement of public schools from municipal control in certain municipal school districts pursuant to an election to be held for that purpose; defining the term 'municipal school district' and the term 'governing body' of the city or town; prescribing the method of procedure precedent to calling such election; etc., and declaring an emergency."

S. B. No. 48, "An Act to amend Sections 2, 5, and 7, of Chapter 96, of the Acts of the Regular Session of the Forty-second Legislature, so as to include agents of fidelity and surety companies in the definitions contained in said Act and to make the same apply to such agents and so as to redefine the term 'solicitor' as used in said Act and prescribing a solicitor's qualifications and so as to prohibit the licensing of an individual or firm to engage in the insurance business principally to handle business which he controls only through ownership, mortgage, or sale, and declaring an emergency."

S. B. No. 248, "An Act creating the Special Ninth District Court of Montgomery County, Waller County, Polk County, and San Jacinto County, Texas; prescribing its jurisdiction, limiting its existence, fixing its terms; providing for the appointment of a judge thereof, fixing his compensation, making an appropriation for the same, and declaring an emergency."

S. B. No. 462, "An Act providing that it shall be unlawful for any person, firm or corporation to sell or to offer for sale, within the State of Texas, any goods, wares, and or merchandise manufactured wholly or in part by convicts or prisoners in penal and or reformatory institutions except prisoners on parole or probation; providing exemptions and providing penalties, and declaring an emergency."

#### MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, April 18, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has reconsidered the vote by which the conference report on House Bill No. 779 was adopted, by a viva voce vote, and referred the report to the same conference committee for further consideration.

Respectfully,

BOB BARKER,

Secretary of the Senate.

#### CONCERNING CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 11

Mr. Stinson offered the following resolution:

H. C. R. No. 90, Concerning conference committee report on House Bill No. 11.

Whereas, The conference committee report on House Bill No. 11 in Section 9 contains the words "so far as practicable," which words should be eliminated and stricken from said report; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That said words be, and the same are hereby, stricken from said report, and the Clerks of the respective Houses are hereby authorized and directed to strike out said words from said Section 9.

The resolution was read second time.

Mr. Spears raised a point of order on further consideration of the resolution by Mr. Stinson, on the ground that under the Rules the conference committee report can not be amended by the adoption of the resolution.

The Speaker sustained the point of order.

#### HOUSE BILL NO. 755 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 755, A bill to be entitled "An Act defining certain words, terms, phrases; imposing an occupation or excise tax on first sale of cigarettes, according to weight, with certain exception; providing payment of tax shall be evidenced by stamps affixed to each individual package, said stamps to be purchased in unbroken sheets of one hundred (100) stamps only from Treasurer only except through requisition from Comptroller; provided stamps may be purchased and affixed to packages of cigarettes by manufacturer thereof outside the State; exempting same from further taxation, etc., and declaring an emergency."

The bill was read second time.

Mr. Petsch offered the following amendments to the bill:

Amend House Bill No. 755, Section 1 (b), line 39, page 8, by striking out the words "the smallest" and inserting in lieu thereof the words "any and every."

Amend House Bill No. 755, Section 1 (h), to read as follows:

"Section 1 (h). 'First Sale' shall mean and include the first sale or distribution of cigarettes in intra-state commerce, or the first use or consumption of cigarettes within this State."

Amend House Bill No. 755, Section 2, line 35, page 10, by inserting the word "shall" between the words "and" and "become."

Amend House Bill No. 755, Section 2, line 21, page 11, by striking out the word "dealer" and inserting in lieu thereof the word "distributor."

The amendments were severally adopted.

Mr. Petsch offered the following amendment to the bill:

"Section 3. A 'Cigarette Tax Stamp Board' composed of the Governor, Comptroller, and Treasurer of this State, designated hereafter as the 'Board,' is hereby created and the said Board shall be, and is hereby required to design and have printed or

manufactured immediately after the effective date of this Act new cigarette tax stamps of such size and denominations and in such quantities as may be determined by the said Board. The Board shall also be authorized to purchase paper bearing distinctive marks or coloring to be used in connection with the manufacturing or printing of the stamps herein prescribed. The stamps shall be so manufactured as to render them easy to be securely attached to each individual package of cigarettes; provided that a different and separate serial number or combination letter and number shall be assigned to and printed on the margin of each sheet of stamps and the Board may at its discretion require that the said serial number shall be printed on the face of each individual stamp. The printing or manufacturing of the stamps shall be awarded by competitive bid and the contract shall be awarded to the person submitting the lowest and best bid that will, in the opinion of the Board, afford the greatest and best protection to the State in the enforcement of the provisions of this Act.

"The Board acting through the Treasurer shall, upon receipt of the stamps hereinabove authorized to be printed or manufactured, designate the date of issue of the new design of stamps by issuing a proclamation as hereinafter provided. Provided, that the stamps shall be affixed by the distributor on each individual package of cigarettes that will be handled, sold, distributed, or used; that said stamps shall be supplied by said Treasurer to all distributors holding a permit in the State at a discount of three per cent (3%) from the face value; that every distributor shall cause to be affixed to every individual package of cigarettes on which a tax is due, stamps of an amount equaling the tax due thereon, before any such distributor sells, offers for sale, or consumes, or otherwise distributes or transports the same.

"The Treasurer is hereby authorized, at his discretion, to sell said stamps in any amount or quantity not less than three hundred dollars (\$300) face value and not exceeding two thousand five hundred dollars (\$2,500) face value to any distributor holding a permit upon credit, provided that such distributor shall have, before such sale, executed and delivered to

said Treasurer a surety bond by a good and sufficient surety company or surety companies authorized to do business in this State, said surety company or companies to be approved by said Treasurer, said bond to be in the principal sum of not less than double the amount of face value of the stamps purchased of said Treasurer, guaranteeing to said Treasurer the prompt payment at Austin, Travis County, Texas, for all such stamps on or before the twentieth day of the month for purchases during the preceding calendar month, said bond to be payable to the State of Texas. Provided, further, that the Board shall have the right, if, in its opinion, any surety on a bond shall become unsatisfactory or unacceptable, to require the filing of a new bond. Should the distributor fail or refuse to supply a new or additional bond within five (5) days after notice from the Treasurer the said Treasurer shall discontinue the sale of stamps on credit to said licensed distributor.

"All the revenue derived from this tax, except as hereinafter provided, shall be credited to the Available School Fund of the State of Texas until September 1, 1937, and thereafter one-half ( $\frac{1}{2}$ ) shall be credited to the General Fund and one-half ( $\frac{1}{2}$ ) to the Available School Fund.

"The Board is hereby authorized to change the design of the stamps as often as it may deem such change necessary to the best enforcement of the provisions of this Act, and the Treasurer is hereby required to redeem at face value any unused cigarette tax stamps lawfully issued, prior to such change in the design, which are in the possession of any bona fide owner, by exchanging at face value cigarette tax stamps of the new design. Provided, that whenever a change is made in the design of the stamps every person holding stamps of the old design shall be required to send them to the Treasurer for exchange at face value for stamps of the new design. Such exchange shall be made within sixty (60) days after the date of issue of the new design of stamps and it shall be unlawful for any person to have in his possession any stamps of an old design after sixty (60) days from the date of issue of any new design; provided it shall be unlawful for any person to sell, offer for sale, or possess for the purpose of sale, cigarettes to which

stamps of the old design are affixed after sixty (60) days from the date of issue of a new design; provided further, that after sixty (60) days from the date of issue of any new design of stamps the old design shall be void and cigarettes with stamps of the old design affixed to the individual package shall, for the purpose of the enforcement of the provisions of this Act, be considered as cigarettes without stamps affixed thereto. It shall be the duty of the Treasurer upon receipt of any new design of stamps authorized to be printed by the Board to designate the date of issue of such new design by the issuance of a proclamation and the date of such proclamation shall be the date of issue of the new design of stamps.

"Any person who shall have in his possession any cigarette tax stamps of an old design after sixty (60) days from the date of issue of a new design of stamps shall be guilty of a felony and shall be punished as set out in Section 26 of this Act.

"Provided that any cigarette tax stamps may be exchanged only when proof satisfactory to said Treasurer is furnished that any stamps offered to said Treasurer in exchange were properly purchased and paid for by the person offering to exchange such stamps; provided further, that stamps which are affected or mutilated in any manner may be refused for acceptance in exchange by said Treasurer.

"The Treasurer shall keep a record of all stamps sold by him or under his direction, of all stamps exchanged by him and of all refunds made on stamps purchased.

"Orders for cigarette tax stamps shall be sent direct to the Treasurer and it shall be the duty of the Treasurer to invoice the stamps ordered to the purchaser upon a form invoice to be prescribed by the Treasurer, which invoice shall be issued in triplicate and numbered consecutively. The invoice shall show the date of sale, the name and address of purchaser, the number of stamps and their serial numbers, the denomination and value of stamps so purchased. The invoice shall be signed by the Treasurer and the original sent with stamps to the purchaser; the duplicate of the invoice shall be sent to the Comptroller and the triplicate kept by the Treasurer; provided further, that the pur-

chaser of said stamps shall hold the said invoice for a period of two (2) years for inspection at all times by the Comptroller and the Attorney General. No stamp affixed to a package of cigarettes shall be canceled by any letter, numeral, or any other mark of identification or otherwise mutilated in any manner that will prevent or hinder the Comptroller in making an examination as to the genuineness of said stamp.

"Stamps in unbroken sheets of one hundred (100) stamps may be exchanged, with the Treasurer only, for stamps of a different denomination. Provided further, that the Treasurer shall be authorized to make refunds on unused stamps in unbroken sheets of not less than one hundred (100) stamps each to the person who purchased said stamps only when proof satisfactory to said Treasurer is furnished that any stamps upon which a refund is requested were properly purchased from said Treasurer and paid for by the person requesting such refund. Such refund shall be made from revenue derived from this Act before such revenue is allocated as herein provided."

Mr. Graves offered the following amendment to the amendment by Mr. Petsch:

Amend amendment to House Bill No. 755 by changing the word "shall" where the same occurs in the second last sentence of the first paragraph to "may," and by striking out the words "in the opinion of the Board" in the last sentence of the first paragraph of the amendment.

The amendment was adopted.

Mr. Reed of Bowie offered the following amendment to the amendment by Mr. Petsch:

Amend amendment to House Bill No. 755, Section 3, by striking out the following: "That will, in the opinion of the Board, offer the greatest and best protection to the State in the enforcement of the provisions of this Act."

On motion of Mr. Petsch, the amendment was tabled.

Mr. Wood of Harrison offered the following amendment to the bill:

Amend amendment to House Bill No. 755 by striking out the following words printed in paragraph No. 1 of the amendment: "at its discretion."

The amendment was lost.

Question—Shall the amendment by Mr. Petsch be adopted?

#### REQUEST OF SENATE GRANTED

On motion of Mr. Petsch, the House granted the request of the Senate for the appointment of a conference committee to adjust the differences between the House and Senate on Senate Bill No. 146.

#### HOUSE BILL NO. 327 WITH SENATE AMENDMENTS

Mr. Russell called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 327, A bill to be entitled "An Act appropriating five million dollars (\$5,000,000) per year, or so much thereof as may be necessary for the next biennium beginning September 1, 1935, and ending August 31, 1937, for the purpose of promoting public school interest and equalizing the educational opportunities afforded by the State to all children of scholastic age within the State, including sufficient funds to match Federal funds appropriated for the purpose of conducting vocational agriculture, home economics, trades and industries, general rehabilitation and rehabilitation for crippled children; attaching conditions, regulations and limitations relative thereto, etc., and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

Mr. Russell moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two houses on the bill.

The motion prevailed.

(Mr. Russell in the Chair.)

#### CONSIDERATION OF CONFERENCE COMMITTEE'S REPORT ON HOUSE BILL NO. 11

Mr. Stinson submitted for consideration, at this time, the conference committee report on House Bill No. 11;

The report having been printed in the Journal on Wednesday, April 17.

Mr. Stinson moved that the report be adopted.

Mr. Westfall raised a point of order on further consideration of the re-

port, on the ground that certain provisions of the report violate Section 18, of Article III, of the Constitution.

The Chair overruled the point of order.

Mr. Jones of Atascosa moved that further consideration of the report be postponed until tomorrow.

Mr. Harris of Dallas moved to table the motion by Mr. Jones of Atascosa.

The motion to table prevailed.

Mr. Spears moved that the report be not adopted and that a new conference committee be appointed to adjust the differences between the House and Senate.

Mr. Hartzog moved to table the motion by Mr. Spears.

Question recurring on the motion to table, yeas and nays were demanded.

The roll of the House was called, and the vote announced as follows: Yeas, 67; nays, 68.

A verification of the vote was called for.

The roll of the "yeas" and "nays" was then called, and the verified vote announced as follows:

#### Yeas—65

Adamson	James
Alexander	Jones of Atascosa
Ash	Jones of Falls
Atchison	King
Bradford	Lange
Broyles	Leath
Butler of Karnes	McFarland
Caldwell	McKee
Calvert	McKinney
Celaya	Moffett
Clayton	Morse
Collins	Newton
Colquitt	Nicholson
Colson	Padgett
Cooper	Palmer
Cowley	Patterson
Duvall	Pope
Fain	Reed of Dallas
Fuchs	Roane
Hankamer	Rutta
Hanna	Scarborough
Hardin	Settle
Harris of Archer	Smith
Harris of Dallas	Stinson
Hartzog	Tarwater
Herzik	Thornton
Hill	Waggoner
Hodges	Wells
Hoskins	Wood of Montague
Huddleston	Worley
Hunter	Young
Hyder	Youngblood
Jackson	

## Nays—69

Adkins	Jones of Shelby
Aikin	Jones of Wise
Alsup	Keefe
Beck	Knetsch
Bergman	Lanning
Bourne	Latham
Bradbury	Lindsey
Burton	Lotief
Cagle	Lucas
Craddock	Luker
Crossley	Mauritz
Daniel	McCalla
Davis	McConnell
Davison of Fisher	Moore
Davisson	Morris
of Eastland	Morrison
Dickison	Olsen
Dunlap of Hays	Payne
Dwyer	Petsch
England	Quinn
Farmer	Reader
Fisher	Reed of Bowie
Fitzwater	Roach of Hunt
Ford	Roark
Fox	Roberts
Gibson	Shofner
Good	Spears
Gray	Steward
Greathouse	Stovall
Head	Tennyson
Hofheinz	Tillery
Holland	Venable
Howard	Walker
Hunt	Westfall
Jones of Runnels	Wood of Harrison

## Present—Not Voting

Roach of Angelina Russell

## Absent

Butler of Brazos	Jefferson
Dunagan	Lemens
Dunlap of Kleberg	Leonard
Frazer	Riddle
Glass	Rogers
Graves	Stanfield

## Absent—Excused

Canon

## Paired

Mr. Roach of Angelina (present), who would vote "nay," with Mr. Lemens (absent), who would vote "yea."

The Chair announced that the motion to table was lost.

Question then recurring on the motion by Mr. Spears, yeas and nays were demanded.

The motion was lost by the following vote:

## Yeas—58

Adkins	Howard
Alsup	Hunt
Bourne	Jones of Runnels
Bradbury	Jones of Shelby
Burton	Knetsch
Cagle	Latham
Craddock	Lindsey
Davis	Lotief
Davison of Fisher	McConnell
Davisson	Moore
of Eastland	Morris
Dickison	Morrison
Dunlap of Hays	Olsen
Duvall	Payne
Dwyer	Quinn
England	Reader
Farmer	Roach of Hunt
Fisher	Roark
Fitzwater	Shofner
Ford	Spears
Fox	Steward
Gibson	Stovall
Glass	Tennyson
Good	Thornton
Gray	Tillery
Greathouse	Venable
Head	Walker
Hodges	Westfall
Hofheinz	Wood of Harrison
Holland	

## Nays—79

Adamson	Hill
Aikin	Hoskins
Alexander	Huddleston
Ash	Hunter
Atchison	Hyder
Beck	Jackson
Bergman	James
Bradford	Jones of Atascosa
Broyles	Jones of Falls
Butler of Karnes	Jones of Wise
Caldwell	Keefe
Calvert	King
Celaya	Lange
Clayton	Lanning
Collins	Leath
Colquitt	Leonard
Colson	Lucas
Cooper	Luker
Cowley	Mauritz
Crossley	McCalla
Daniel	McFarland
Dunagan	McKee
Fain	McKinney
Frazer	Moffett
Fuchs	Morse
Hankamer	Newton
Hanna	Nicholson
Hardin	Palmer
Harris of Archer	Patterson
Harris of Dallas	Petsch
Hartzog	Pope
Herzik	Reed of Bowie

Reed of Dallas  
 Roberts  
 Rogers  
 Rutta  
 Scarborough  
 Settle  
 Smith  
 Stinson

Present—Not Voting

Roach of Angelina Russell

Absent

Butler of Brazos Padgett  
 Dunlap of Kleberg Riddle  
 Graves Roane  
 Jefferson Stanfield  
 Lemens

Absent—Excused

Canon

Paired

Mr. Roach of Angelina (present), who would vote "yea," with Mr. Lemens (absent), who would vote "nay."

Mr. Leath moved that the House adjourn until 9:30 o'clock a. m., tomorrow.

Mr. Pope moved that the House recess to 7:30 o'clock p. m., today.

Question first recurring on the motion by Mr. Leath, it was lost.

Question next recurring on the motion by Mr. Pope, it was lost.

(Speaker in the Chair.)

Mr. Daniel moved that the report be not adopted.

Mr. Stinson raised a point of order on further consideration of the motion by Mr. Daniel, on the ground that the motion that the report be not adopted is not permissible under the Rules.

The Speaker sustained the point of order.

Mr. Roark then moved to table the motion by Mr. Stinson that the conference committee report on House Bill No. 11 be adopted.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—70

Adkins Bourne  
 Aikin Bradbury  
 Alsup Burton  
 Beck Cagle  
 Bergman Craddock

Crossley Latham  
 Daniel Leonard  
 Davis Lotief  
 Davison of Fisher Lucas  
 Davisson Mauritz  
 of Eastland McCalla  
 Dickison McConnell  
 Dunlap of Hays Moore  
 Dwyer Morris  
 England Morse  
 Farmer Petsch  
 Fisher Quinn  
 Fitzwater Reader  
 Ford Reed of Bowie  
 Fox Roach of Hunt  
 Frazer Roark  
 Gibson Roberts  
 Glass Rogers  
 Good Shofner  
 Greathouse Spears  
 Harris of Archer Steward  
 Head Tarwater  
 Hofheinz Tennyson  
 Holland Thornton  
 Howard Tillery  
 Hunt Venable  
 Jones of Shelby Walker  
 Jones of Wise Westfall  
 Keefe Wood of Harrison  
 Knetsch Youngblood  
 Lanning

Nays—68

Adamson Jackson  
 Alexander James  
 Ash Jones of Atascosa  
 Atchison Jones of Falls  
 Bradford Jones of Runnels  
 Broyles King  
 Butler of Karnes Lange  
 Caldwell Leath  
 Calvert Lindsey  
 Celaya Luker  
 Clayton McFarland  
 Collins McKee  
 Colquitt McKinney  
 Colson Moffett  
 Cooper Morrison  
 Cowley Newton  
 Dunagan Nicholson  
 Dunlap of Kleberg Olsen  
 Duvall Padgett  
 Fain Patterson  
 Fuchs Pope  
 Gray Reed of Dallas  
 Hankamer Russell  
 Hanna Rutta  
 Hardin Scarborough  
 Harris of Dallas Settle  
 Hartzog Smith  
 Herzik Stinson  
 Hill Stovall  
 Hodges Waggoner  
 Hoskins Wells  
 Huddleston Wood of Montague  
 Hunter Worley  
 Hyder Young

## Present—Not Voting

Roach of Angelina

## Absent

Butler of Brazos	Payne
Graves	Riddle
Jefferson	Roane
Lemens	Stanfield
Palmer	

## Absent—Excused

Canon

## Paired

Mr. Roach of Angelina (present), who would vote "yea," with Mr. Lemens (absent) who would vote "nay."

Mr. Spears moved that the House request the appointment of a new conference committee to adjust the differences between the House and Senate on House Bill No. 11.

Mr. Roark raised a point of order on further consideration of the motion by Mr. Spears, on the ground that the House has defeated a like motion.

The Speaker overruled the point of order.

Question recurring on the motion by Mr. Spears, yeas and nays were demanded.

The motion prevailed by the following vote:

## Yeas—93

Adamson	Fitzwater
Alexander	Ford
Ash	Fuchs
Atchison	Gibson
Bradford	Glass
Broyles	Good
Burton	Gray
Butler of Karnes	Hankamer
Cagle	Hanna
Caldwell	Harris of Dallas
Calvert	Head
Celaya	Herzik
Clayton	Hill
Collins	Hodges
Colquitt	Holland
Colson	Howard
Cooper	Huddleston
Cowley	Hunter
Craddock	Hyder
Dickison	Jackson
Dunagan	James
Dunlap of Kleberg	Jones of Atascosa
Duvall	Jones of Falls
Dwyer	Jones of Runnels
England	King
Fain	Knetsch
Farmer	Lange
Fisher	Leath

Leonard	Reed of Dallas
Lindsey	Roach of Hunt
Lotief	Russell
Luker	Rutta
McFarland	Scarborough
McKee	Settle
McKinney	Shofner
Moffett	Smith
Moore	Spears
Morris	Stinson
Morrison	Stovall
Newton	Thornton
Nicholson	Tillery
Olsen	Venable
Padgett	Wells
Patterson	Worley
Pope	Young
Quinn	Youngblood
Reader	

## Nays—42

Adkins	Jones of Shelby
Aikin	Jones of Wise
Alsup	Keefe
Beck	Lanning
Bergman	Latham
Bourne	Lucas
Bradbury	Mauritz
Crossley	McCalla
Daniel	McConnell
Davis	Morse
Davison of Fisher	Petsch
Davison	Reed of Bowie
of Eastland	Roark
Dunlap of Hays	Roberts
Fox	Steward
Frazer	Tarwater
Greathouse	Tennyson
Hardin	Walker
Harris of Archer	Westfall
Hofheinz	Wood of Harrison
Hoskins	Wood of Montague
Hunt	

## Present—Not Voting

Roach of Angelina

## Absent

Butler of Brazos	Payne
Graves	Riddle
Hartzog	Roane
Jefferson	Rogers
Lemens	Stanfield
Palmer	Waggoner

## Absent—Excused

Canon

## Paired

Mr. Roach of Angelina (present), who would vote "nay," with Mr. Lemens (absent) who would vote "yea."

CONCERNING INSTRUCTIONS OF  
CONFEREES ON HOUSE  
BILL NO. 11

Mr. Davison of Fisher submitted the following motion:

I move that the new conference committee on House Bill No. 11 be instructed to retain the provision relative to gross receipts:

"Eight (8) per cent of the gross receipts received from all purposes by the Texas Centennial Commission and/or its agency or agencies shall be paid into the Treasury of the State of Texas for the benefit of the General Fund. By gross receipts is meant all moneys coming from admissions, concessions, privileges, rentals, leases, and any and all other sources from which any funds may be derived. The State of Texas shall have a first and prior lien on all gross receipts as above referred to until said eight (8) per cent is paid into the Treasury of the State of Texas. The said Centennial Commission and/or its agency or agencies shall keep an accurate record of all receipts earned as a result of said Centennial Celebration, and on the first day of each and every month after said Exposition has gotten under way, the said Commission shall report to the Treasurer of the State of Texas, giving in detail the total amount of gross receipts, and said report shall be accompanied by a certified check for an amount equal to eight (8) per cent of said gross receipts."

MESSAGE FROM THE GOVERNOR

Mr. Edward Clark, secretary to the Governor, appeared at the bar of the House, and, being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Executive Office,

Austin, Texas, April 18, 1935.

To the Members of the Forty-fourth Legislature:

I feel it my duty to respectfully and earnestly call to your attention as an emergency matter for immediate consideration of House Bill No. 223.

The need for revenue in this State is too well known to require comment from me. I believe the above mentioned act presents an opportunity to get "the most feathers with the least squawk."

It has been estimated by those who have looked into this matter carefully that this measure will bring into our State Treasury from \$400,000 to \$700,000 of much needed revenue.

Therefore I will deeply appreciate your immediate consideration and passage of the above mentioned matter.

Respectfully submitted,

KEN M. REGAN,  
Acting Governor of Texas.

MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, April 18, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has concurred in House amendments to Senate Bill No. 498 by the following vote: Yeas, 28; nays, 0.

The Senate has adopted the conference report on House Bill No. 11 by the following vote: Yeas, 22; nays, 7.

Respectfully,

BOB BARKER,  
Secretary of the Senate.

LEAVE OF ABSENCE GRANTED

Mr. Canon was granted leave of absence for this afternoon on account of important business, on motion of Mr. Hodges.

ADJOURNMENT

On motion of Mr. Cooper, the House, at 6:30 o'clock p. m., adjourned until 9:30 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills as follows:

Appropriations: House Bill No. 972.

Counties: House Bills Nos. 709 and 970.

Education: House Bill No. 963.

Game and Fisheries: House Bill No. 814.

Judicial Districts: House Bill No. 973.

Judiciary: House Bills Nos. 23 and 476.

Liquor Traffic: House Bill No. 819.

Public Health: Senate Bill No. 87.

The Committee on Federal Relations filed an adverse report on House Concurrent Resolution No. 62.

## REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, April 17, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 85, A bill to be entitled "An Act to amend Article 1650 of the Revised Civil Statutes of Texas of 1925 with respect to the authority of the county auditor to appoint assistants; providing for oath and bond of assistants; providing for an application by the county auditor to the district judges having jurisdiction, setting forth number, qualifications, duties and compensation of such assistants; providing for approval and certification of such appointments to the commissioners court by the district judges having jurisdiction, etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 18, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 89, A bill to be entitled "An Act amending Subsections (2) and (4) of Section 1; repealing Subsection (3) of Section 2; amending Subsection (2) of Section 2; amending Section 3; amending Section 5; and amending Sections 8 and 9, of House Bill No. 154, Chapter 162, Acts of the Regular Session of the Forty-third Legislature, as amended by Chapter 12, House Bill No. 55, Acts of the First Called Session of the Forty-third Legislature, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 17, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 203, A bill to be entitled "An Act to validate all proceedings and acts of governing bodies of cities containing a population of not more than 11,000 nor less than 10,500, according to any Federal Census, in connection with the issuance of funding warrants and funding bonds heretofore authorized or attempted to be authorized under the provisions of Chapter 163, Acts Forty-second Legislature, Regular Session, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 17, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 228, A bill to be entitled "An Act providing for the payment of the salary of the ex-officio superintendent of public instruction in all counties having not less than 6,800 and not more than 6,900 population, according to the last preceding Federal Census, from the county available school fund; repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 17, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 270, A bill to be entitled "An Act to amend Article 1659, Chapter 6, Title 19, of the Revised Criminal Statutes of the State of Texas, 1925, relating to separate coaches for the accommodation of white and negro passengers so as to include commercial motor vehicles within the terms of the Act, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,  
Austin, Texas, April 17, 1935.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 492, A bill to be entitled  
"An Act to amend Section 75 of Ar-  
ticle 2696 of the Revised Statutes of  
Texas, relating to the transfers of  
children from an independent school  
district or other school districts in  
any county, to some other independ-  
ent district or other district in the  
same county, and providing that the  
per capita apportionment shall be  
paid by the State Treasurer to the  
independent school district to which  
the child is transferred, or to the  
county superintendent in all other  
districts, to be distributed by said  
county superintendent, and providing  
for an appeal from the acts of the  
county superintendent to the county  
board of trustees in all cases when  
an independent or other district shall  
be dissatisfied with the action of the  
county superintendent in the trans-  
fers made by said county superin-  
tendent."

Has carefully compared same, and  
finds it correctly engrossed.

HODGES, Chairman.

Committee Room,  
Austin, Texas, April 17, 1935.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 271, A bill to be entitled  
"An Act providing that any person or  
association of persons shall have the  
right to sell farm products or produce  
raised upon property controlled by  
any person or association of persons  
from house to house in any city in  
this State (Texas), fixing a penalty,  
and declaring an emergency,"

Has carefully compared same, and  
finds it correctly engrossed.

HODGES, Chairman.

Committee Room,  
Austin, Texas, April 17, 1935.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 380, A bill to be entitled  
"An Act making an appropriation to  
pay judgments of the district and

county courts; refunding to the heirs,  
devisees, legatees, or legal representa-  
tives of deceased persons, whose es-  
tates have escheated to the State,  
such sums of money belonging to such  
escheated estates as have been paid  
into the Public Treasury; authorizing  
the payment of such claims on the  
taking effect of this Act, and filing  
with the Comptroller of a copy of the  
order of the court under seal of the  
court, and declaring an emergency,"

Has carefully compared same, and  
finds it correctly engrossed.

HODGES, Chairman.

Committee Room,  
Austin, Texas, April 17, 1935.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 373, A bill to be entitled  
"An Act to amend Section 6 of House  
Bill No. 303, Chapter 245, page 856,  
of the Acts of the Regular Session of  
the Forty-third Legislature, to pro-  
vide for an adequate and efficient  
method of examining State-wide mu-  
tual assessment insurance associations  
and companies qualifying and/or op-  
erating under the above chapter, and  
providing for the examination of said  
companies and associations every two  
years or oftener, if deemed advisable,  
etc., and declaring an emergency,"

Has carefully compared same, and  
finds it correctly engrossed.

HODGES, Chairman.

Committee Room,  
Austin, Texas, April 17, 1935.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 348, A bill to be entitled  
"An Act to regulate the quality of  
milk sold, or offered or exposed for  
sale, to prevent the sale of any milk  
from which anything has been ex-  
tracted or to which anything has been  
added, except butterfat, and to pre-  
scribe a minimum butterfat content  
for milk which is herein defined; to  
provide that containers for milk shall  
truthfully state the minimum butter-  
fat content, etc., and declaring an  
emergency,"

Has carefully compared same, and  
finds it correctly engrossed.

HODGES, Chairman.

Committee Room,  
Austin, Texas, April 17, 1935.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 328, A bill to be entitled  
"An Act to amend Chapter 116, Gen-  
eral Laws, Forty-third Legislature,  
Regular Session, 1933, the same being  
House Bill No. 122, printed at page  
288, General Laws of the State of  
Texas, passed by the Forty-third  
Legislature at the Regular Session,  
1933, and declaring an emergency,"

Has carefully compared same, and  
finds it correctly engrossed.

HODGES, Chairman.

Committee Room,  
Austin, Texas, April 17, 1935.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 374, A bill to be entitled  
"An Act amending Title 17, Chapter  
6, of the Penal Code of Texas, by  
adding thereto an article to be known  
as Article 1404-a, defining attempted  
burglary of a vessel, steamboat, or  
railroad car, making attempted bur-  
glary of a vessel, steamboat, or rail-  
road car a penal offense, and provid-  
ing the punishment for said offense,"

Has carefully compared same, and  
finds it correctly engrossed.

HODGES, Chairman.

Committee Room,  
Austin, Texas, April 17, 1935.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 471, A bill to be entitled  
"An Act amending Article 195, Chap-  
ter 2, Title 4, Code of Criminal Pro-  
cedure of Texas, 1925, and declaring  
an emergency,"

Has carefully compared same, and  
finds it correctly engrossed.

HODGES, Chairman.

Committee Room,  
Austin, Texas, April 17, 1935.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 381, A bill to be entitled  
"An Act to permit and authorize the  
Fort Worth National Bank of Fort  
Worth, Texas, to bring and prosecute  
an action against the State of Texas  
on certain contracts; fixing the time  
within which the same may be  
brought; fixing the venue thereof in  
Travis County, Texas; providing that  
any judgment recovered be paid from  
the State Highway Fund; providing  
for service of citation, and declaring  
an emergency,"

Has carefully compared same, and  
finds it correctly engrossed.

HODGES, Chairman.

Committee Room,  
Austin, Texas, April 17, 1935.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 472, A bill to be entitled  
"An Act to authorize the State High-  
way Commission of Texas to provide  
for the removal of bridges obstruct-  
ing the construction of the Intracoas-  
tal Waterway of Louisiana and Texas,  
and to replace same out of any funds  
available for that purpose, and de-  
claring an emergency,"

Has carefully compared same, and  
finds it correctly engrossed.

HODGES, Chairman.

Committee Room,  
Austin, Texas, April 17, 1935.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 536, A bill to be entitled  
"An Act to amend Article 5675 of  
Title 93 of the Revised Civil Statutes  
of 1925, and declaring an emergency,"

Has carefully compared same, and  
finds it correctly engrossed.

HODGES, Chairman.

Committee Room,  
Austin, Texas, April 17, 1935.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 502, A bill to be entitled  
"An Act amending Section 3 of Sen-  
ate Bill No. 247, Chapter 158, page  
400, Acts of the Regular Session of  
the Forty-third Legislature, 1933;

empowering the Rehabilitation Division of the State Department of Education to take census, make surveys, and establish permanent records of crippled children, and to co-operate with the Department of Education in providing equipment for and instruction of same; authorizing such division to organize and supervise diagnostic clinics and to approve and select physicians, etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 17, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 642, A bill to be entitled "An Act to amend Article 3430 of the Revised Civil Statutes of Texas, 1925, so as to provide that in addition to the other powers of executors or administrators they shall have the power, upon the proper order of the court, to compromise or pay secured claims which have been allowed and approved as required by law against the estate by conveying the real estate securing the payment of the claim to the holder thereof in full payment, liquidation, and satisfaction of such claim, and the cancellation of any and all notes, deeds of trust, mortgages, or other liens evidencing or securing the payment of such claim, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 17, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 827, A bill to be entitled "An Act amending Article 2789 by adding Section "a" thereto authorizing the issuance of refunding bonds and warrants to refund any legal outstanding maintenance obligations of independent school districts and consolidated school independent districts by cancelling evidence thereof and issuing to the holders or creditors notes, bonds, or warrants, with or without coupons, bearing interest pay-

able annually, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 17, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 817, A bill to be entitled "An Act providing for the acquisition of lands for State Forests by Board of Directors of A. & M. College; vesting authority in such Board of Directors to so acquire lands for such purpose and prescribing means of acquisition and terms and manner of payment therefor, and the management, development, and use thereof, etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 17, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 643, A bill to be entitled "An Act to amend Article 3576 of the Revised Civil Statutes of Texas, 1925, as amended by Acts of 1929, Forty-first Legislature, page 63, Chapter 29, Section 2, by adding thereto a provision that where the sale of real estate is made to the owner or holder of a secured claim in full payment, liquidation, and satisfaction thereof no bond shall be required except for the amount of cash actually received by such executor or administrator in excess of the amount necessary to pay, liquidate, and satisfy such claim in full, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

#### REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, April 18, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 83, Suspending Joint Rules 23, 24, and 32 until the final disposition of House Bills Nos. 89, 736, 743, 749, 755, and 785,

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,

Austin, Texas, April 18, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 65, Memorializing Congress in regard to cotton manufacturing industry,

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,

Austin, Texas, April 18, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 392, "An Act to permit any county in this State wherein the United States Government has acquired or shall hereafter acquire large bodies of land embracing one thousand (1,000) acres or more, for purposes of reforestation, and whose assessed valuation of property is not less than forty million dollars (\$40,000,000), to adopt by majority vote of qualified voters of such county a county unit system to the extent provided in this Act; making provisions for the formation of a county-wide school district therein; making provision for holding election in each such county on the question of the adoption of the provisions of this Act; making provision for holding an election in each such county to determine whether an equalization tax not to exceed twenty-five (25) cents on the one hundred dollars (\$100) valuation of property shall be levied and collected annually on all taxable property in the county, such tax to be distributed to the school districts of the county as herein provided; making provision for the assessment and collection of said equalization tax, and prescribing the duties of the county tax assessor and collector and county superintendent; prescribing the duties of the county board of school trustees with respect to such tax and the funds derived

therefrom; providing that all rights, duties and powers of the several common and independent school districts in any such county shall remain undisturbed and shall not be affected, except as expressly provided in this Act; providing a saving clause; repealing all laws in conflict herewith, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,

Austin, Texas, April 18, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 685, "An Act providing for the extension of the Rio Grande Compact, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,

Austin, Texas, April 18, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 831, "An Act authorizing the separation or divorcement of public schools from municipal control in certain municipal school districts pursuant to an election to be held for that purpose; defining the term 'municipal school district' and the term 'governing body' of the city or town; prescribing the method of procedure precedent to calling such election; providing that such election shall be held as nearly as possible in compliance with law with reference to regular city elections, and prescribing qualifications of voters at such election; prescribing form of ballot for such election; prescribing certain duties of the governing body of the city or town and board of education or trustees of the municipal school district in respect to declaring the result of such election; providing that if the proposition is defeated, no election for that purpose shall be ordered until after expiration of one year from date of such election; providing that except as herein defined or limited, such school district, after separation

from municipal control, shall have all powers of independent school districts and/or towns and villages incorporated for free school purposes only, conferred by Title 49, Revised Civil Statutes of Texas of 1925, and amendments thereto; providing that the trustees of any independent school district, separated from municipal control, shall have power to levy and collect an annual school maintenance tax of not exceeding one dollar (\$1) on the one hundred dollars (\$100) valuation, and an additional annual ad valorem tax sufficient to pay bond debts of such district; providing that nothing herein shall be construed as abrogating or repealing any existing maintenance tax and/or bond tax; providing that no increase in maximum rate of school maintenance tax and/or bond debt of any such district shall be authorized until after an election shall have been held wherein a majority of the tax-paying voters, voting at said election, shall have voted in favor of said tax or the issuance of said bonds; providing that the bonds of any such district shall not exceed in amount seven (7) per centum of the assessed value of taxable property of such district; providing for the election of trustees in such school districts; providing for appointment and compensation of assessor and collector of taxes, and providing that city assessor and collector may be appointed to such office; providing that title to all school property shall immediately vest in the board of education or trustees of the school district; providing that all bonds and obligations of any such city or town, as a municipal school district, shall become obligations and debts of the independent school district at the time of separation from municipal control, and it shall not be necessary to call an election for the assumption of such debts; providing that if any section or part of this Act is held unconstitutional, such decision shall not affect the validity of the remainder of this Act; providing this Act shall not repeal any existing law, and especially shall not repeal Chapter 302, General Law, of the Forty-first Legislature in 1929; enacting provisions incident and relating to the subject and purpose of this Act, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

### FIFTY-THIRD DAY

(Friday, April 19, 1935)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following members were present:

Mr. Speaker	Hartzog
Adamson	Head
Adkins	Herzik
Aikin	Hill
Alexander	Hodges
Alsup	Hofheinz
Ash	Holland
Atchison	Hoskins
Beck	Howard
Bergman	Huddleston
Bourne	Hunt
Bradbury	Hunter
Bradford	Jackson
Broyles	James
Burton	Jones of Atascosa
Butler of Brazos	Jones of Falls
Butler of Karnes	Jones of Runnels
Cagle	Jones of Shelby
Caldwell	Jones of Wise
Calvert	Keefe
Celaya	King
Clayton	Knetsch
Collins	Lange
Colquitt	Lanning
Colson	Latham
Cooper	Leath
Craddock	Lemens
Crossley	Leonard
Daniel	Lindsey
Davis	Lotief
Davison of Fisher	Lucas
Davisson	Luker
of Eastland	Mauritz
Dickison	McCalla
Dunagan	McConnell
Dunlap of Hays	McFarland
Duvall	McKee
Dwyer	McKinney
England	Moffett
Fain	Moore
Farmer	Morris
Fisher	Morrison
Fitzwater	Newton
Ford	Nicholson
Fox	Olsen
Frazer	Padgett
Fuchs	Palmer
Gibson	Patterson
Glass	Payne
Good	Petsch
Graves	Pope
Gray	Quinn
Greathouse	Reader
Hankamer	Reed of Bowie
Hanna	Reed of Dallas
Hardin	Roach of Angelina
Harris of Archer	Roach of Hunt
Harris of Dallas	Roane